PROGRAM

Mr. ROBERT C. BYRD. Mr. President, following the two leaders on tomorrow, the Senate will take up the military construction bill by an order. That is an appropriation bill on which there is an agreement. Following the adoption of that bill, or if the work is not completed thereon prior to 2 p.m., the Senate will take up the State-Justice bill.

If, however, in the alternative, action has been completed on the military construction bill prior to 2 p.m., the Senate will have to find some other work to do until 2 p.m. At 2 p.m., in that event, the Senate will proceed to the consideration of the State-Justice appropriation bill, on which there is a time agreement.

So there will be rollcall votes tomorrow.

RECESS UNTIL 10:45 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10:45 a.m. tomorrow.

The motion was agreed to; and at 5:46 p.m. the Senate recessed until tomorrow, Thursday, August 3, 1978, at 10:45 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, August 2, 1978*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be of good courage and He shall strengthen your heart, all ye that hope in the Lord.—Psalms 31: 24.

Our Heavenly Father, whose thoughts are better than our thoughts and whose ways are higher than our ways, help us to keep our minds open to Thee and our hearts receptive to Thy Spirit that we may lead our people in good and true ways this day.

Deliver us from too much attention to minor matters and not enough attention to the major concerns which are the imperative needs of our country. Instead of constant divisions among us may there be a greater sense of unity, instead of an emphasis on what separates us let there be more emphasis upon what unites us, instead of a difference of mind let there be greater agreement in heart. In spirit make us one as Americans who seek to make America a greater Nation in her service to the world. To this end guide us and help us to walk in Thy ways for the good of all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and Joint Resolutions of the House of the following titles:

On July 28, 1978:

H.J. Res. 613. Joint resolution to authorize and request the President to issue a proclamation designating the first Sunday of September after Labor Day in 1978 as "National Grandparents Day";

H.R. 3489. An act to amend section 216(b) of the Merchant Marine Act, 1936, to entitle the Delegates in Congress from the District of Columbia, Guam, and the Virgin Islands to make nominations to the Merchant Marine Academy, and for other purposes;

H.R. 4270. An act to designate the Federal building and United States courthouse in Hato Rey, Puerto Rico, the "Federico Degetau Federal Building"; and

H.R. 12637. An act to amend the North Pacific Fisheries Act of 1954.

On July 31, 1978:

H.J. Res. 1024. Joint resolution making urgent supplemental appropriations for the Department of Agriculture, Agricultural Stabilization and Conservation Service, and for other purposes for the fiscal year ending September 30, 1978.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10173. An act to amend title 38, United States Code, to improve the pension programs for veterans, and survivors of veterans, of the Mexican border period, World War I, World War II, the Korean conflict, and the Vietnam era, and for other purposes.

REPORT ON RESOLUTION PROVIDING FUNDS FOR FURTHER EXPENSES OF AD HOC ENERGY COMMITTEE

Mr. THOMPSON, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–1409) on the resolution (H. Res. 1237) to provide funds for the further expenses of investigations and studies by the Ad Hoc Committee on Energy, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO SIT TOMORROW, AUGUST 3, 1978, DURING THE 5-MINUTE RULE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may sit tomorrow during the session of the House under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

TAX CUT BILL IS "FAT CAT DISH"

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, the tax cut bill is touted as mildly tilting toward the rich. It is in every respect a fat cat dish!

Under the tax cut bill, families of four in the following income levels receive the following cuts:

Income	Tax cut per year	Per week
$12,500	$105	$2.00
15,000	77	1.50
17,500	115	2.40
20,000	146	2.80
25,000	232	4.40
30,000	304	5.85

Since the tax cuts will be paid for through additional Treasury borrowing of more than $18 billion, it must be expected that such increased deficit borrowing will bring about an increase in inflation. Every 1-percent increase in inflation costs an average family $300.

A 1-percent inflationary increase or $300 per family means that the average family will pay $300 in inflation for $115 of tax cut.

Sixty-nine million taxpayers will be money ahead if this tax cut is defeated.

TENTH ANNUAL REPORT OF NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Technology:

To the Congress of the United States:

I am pleased to submit to the Congress the Tenth Annual Report of the

Statements or insertions which are not spoken by the Member on the floor will be identified by the use of a "bullet" symbol, i.e., ●

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

National Science Board, entitled *Basic Research in the Mission Agencies: Agency Perspectives on the Conduct and Support of Basic Research.* This report is part of a continuing series in the Board's examination of key aspects of the status of American science.

It is now generally accepted that science and technology contribute in significant ways to our international trade balance, to productivity and economic growth, and to the solution of many of our social challenges. Perhaps less widely perceived is the fact that basic research is the foundation upon which many of our Nation's technological achievements have been built.

This report provides detailed evidence that basic research supported by Federal agencies not only contributes to America's scientific and technological advances, but also plays an active role in helping the Government meet our Nation's needs. Since taking office, I have encouraged the agencies to identify current or potential problems facing the Federal Government, in which basic or long-term research could help these agencies meet their responsibilities or provide a better basis for decisionmaking. As a result of this review process, my fiscal year 1979 budget proposed increased levels of funding for basic research—support that I believe is essential for the discoveries and technological innovations fundamental to both our economic well-being and our national security. The National Science Board's report illustrates well the relationship between basic and applied research, and I believe that the report will be useful to the Congress in completing its work on the R. & D. proposals before it.

In addition to addressing these fundamental issues the report should be helpful to the Congress and others concerned with setting priorities for future federally supported research and development, and in making our spending in this area more effective.

JIMMY CARTER.

THE WHITE HOUSE, *August 2, 1978.*

FOREIGN AID AUTHORIZATIONS, FISCAL YEAR 1979

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 12514) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize international security assistance programs for fiscal year 1979, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 372, nays 7, not voting 53, as follows:

[Roll No. 630]

YEAS—372

Abdnor	Delaney	Holtzman
Addabbo	Dellums	Horton
Akaka	Derrick	Howard
Alexander	Derwinski	Hubbard
Ambro	Devine	Huckaby
Ammerman	Dickinson	Hughes
Anderson, Calif.	Dicks	Hyde
	Diggs	Ichord
Anderson, Ill.	Dornan	Jacobs
Andrews, N. Dak.	Downey	Jeffords
	Drinan	Johnson, Calif.
Annunzio	Duncan, Oreg.	Johnson, Colo.
Applegate	Duncan, Tenn	Jones, N.C.
Archer	Early	Jones, Okla.
Armstrong	Eckhardt	Jones, Tenn.
Ashbrook	Edgar	Jordan
Ashley	Edwards, Ala.	Kastenmeier
Aspin	Edwards, Calif.	Kazen
AuCoin	Edwards, Okla.	Kelly
Badham	Eilberg	Kemp
Bafalis	Emery	Keys
Baldus	English	Kildee
Barnard	Erlenborn	Kindness
Baucus	Ertel	Kostmayer
Bauman	Evans, Del.	Krebs
Beard, R.I.	Evans, Ga.	LaFalce
Beard, Tenn.	Evans, Ind.	Lagomarsino
Bedell	Fary	Latta
Benjamin	Fascell	Leach
Bennett	Fenwick	Lederer
Bevill	Findley	Leggett
Biaggi	Fish	Lehman
Bingham	Fisher	Lent
Blanchard	Fithian	Levitas
Blouin	Flippo	Livingston
Boland	Flood	Lloyd, Tenn.
Bolling	Florio	Long, La.
Bonior	Flynt	Long, Md.
Bowen	Foley	Lott
Brademas	Ford, Tenn.	Lujan
Breckinridge	Forsythe	Luken
Brinkley	Fountain	McClory
Brodhead	Fowler	McCormack
Brooks	Frenzel	McEwen
Broomfield	Frey	McFall
Brown, Calif.	Fuqua	McHugh
Brown, Mich.	Gammage	McKay
Brown, Ohio	Gaydos	McKinney
Broyhill	Gephardt	Madigan
Burgener	Giaimo	Mahon
Burke, Fla.	Gibbons	Mann
Burleson, Tex.	Gilman	Marks
Burton, Phillip	Ginn	Marlenee
Butler	Glickman	Marriott
Byron	Goldwater	Martin
Caputo	Gonzalez	Mattox
Carney	Goodling	Mazzoli
Carr	Gore	Meeds
Carter	Gradison	Metcalfe
Cavanaugh	Grassley	Meyner
Cederberg	Green	Michel
Chappell	Gudger	Mikulski
Clawson, Del	Guyer	Mikva
Clay	Hagedorn	Milford
Cleveland	Hall	Miller, Calif.
Cohen	Hamilton	Miller, Ohio
Coleman	Hammer-schmidt	Mineta
Conable		Minish
Conte	Hanley	Mitchell, N.Y.
Corcoran	Hannaford	Moakley
Corman	Hansen	Moffett
Cornell	Harkin	Mollohan
Cornwell	Harris	Montgomery
Cotter	Harsha	Moore
Coughlin	Hawkins	Moorhead, Calif.
Cunningham	Hefner	
D'Amours	Heftel	Moorhead, Pa.
Daniel, Dan	Hightower	Moss
Daniel, R. W.	Hillis	Mottl
Danielson	Holland	Murphy, Ill.
Davis	Hollenbeck	Murphy, N.Y.
de la Garza	Holt	Murphy, Pa.
Murtha	Rogers	Studds
Myers, Gary	Roncalio	Stump
Myers, John	Rooney	Symms
Myers, Michael	Rose	Taylor
Natcher	Rosenthal	Thompson
Nedzi	Rostenkowski	Thone
Nichols	Rousselot	Thornton
Nix	Roybal	Traxler
Nolan	Rudd	Treen
Nowak	Runnels	Trible
O'Brien	Ruppe	Tucker
Oakar	Russo	Udall
Oberstar	Ryan	Ullman
Obey	Santini	Van Deerlin
Ottinger	Sarasin	Vanik
Panetta	Satterfield	Vento
Patten	Sawyer	Volkmer
Patterson	Scheuer	Waggonner
Pease	Schroeder	Walgren
Pepper	Schulze	Walker
Perkins	Sebelius	Walsh
Pettis	Sharp	Wampler
Pickle	Shipley	Watkins
Pike	Shuster	Waxman
Poage	Sikes	Weaver
Pressler	Simon	Weiss
Preyer	Sisk	White
Price	Skelton	Whitehurst
Pritchard	Skubitz	Whitley
Pursell	Slack	Wilson, C. H.
Quillen	Smith, Iowa	Winn
Rahall	Smith, Nebr.	Wirth
Railsback	Snyder	Wolff
Rangel	Solarz	Wright
Regula	Spence	Wydler
Reuss	Staggers	Wylie
Rhodes	Stangeland	Yates
Richmond	Stanton	Yatron
Rinaldo	Stark	Young, Fla.
Risenhoover	Steed	Young, Mo.
Roberts	Steers	Zablocki
Robinson	Stockman	Zeferetti
Rodino	Stokes	
Roe	Stratton	

NAYS—7

Collins, Tex.	McDonald	Wilson, Bob
Jenrette	Pattison	
Lloyd, Calif.	Quayle	

NOT VOTING—53

Andrews, N.C.	Dingell	Markey
Bellenson	Dodd	Mathis
Boggs	Evans, Colo.	Mitchell, Md.
Bonker	Flowers	Neal
Breaux	Ford, Mich.	Quie
Buchanan	Fraser	Selberling
Burke, Calif.	Garcia	Spellman
Burke, Mass.	Harrington	St Germain
Burlison, Mo.	Heckler	Steiger
Burton, John	Ireland	Teague
Chisholm	Jenkins	Tsongas
Clausen, Don H.	Kasten	Vander Jagt
	Krueger	Whalen
Cochran	Le Fante	Whitten
Collins, Ill.	Lundine	Wiggins
Conyers	McCloskey	Wilson, Tex.
Crane	McDade	Young, Alaska
Dent	Maguire	Young, Tex.

Mr. AMBRO changed his vote from "nay" to "yea."

Mr. RONCALIO changed his vote from "present" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 12514, with Mr. FUQUA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Tuesday, August 1, 1978, the Clerk had read through line 14, page 19, of the bill.

Are there any amendments to section 20?

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent that the remainder

of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. BAUMAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. STARK

Mr. STARK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STARK: Page 19, immediately after line 14, insert the following new section 21:

TERMINATION OF DELIVERIES OF DEFENSE ARTICLES TO CHILE

SEC. 21. Section 406(a)(2) of the International Security Assistance and Arms Export Control Act of 1976 is amended by adding at the end thereof the following new sentence: "After the date of enactment of the International Security Assistance Act of 1978, no deliveries of defense articles or services may be made to Chile pursuant to any sale made before the date of enactment of this section.".

Redesignate existing section 21 of the bill as section 22 and correct any cross references thereto.

Mr. STARK. Mr. Chairman, in the last Congress, we enacted a law which stated that no military security supporting assistance and no military education training may be furnished under the Foreign Assistance Act to Chile and no credits with respect to Chile and no deliveries of any such assistance. credits, or guarantees would be made to Chile on or after the date of the enactment of the law, June 30, 1976.

Mr. Chairman, it was by a fortuitous discovery made by some longshoremen in the Port of Oakland that we found, in June of this year, that arms were still being shipped to Chile despite our understanding that under the 1976 law, we had cut off aid to this repressive government.

It turned out that there was a loophole in existing law which allowed arms in the "pipeline" to be shipped. Since 1976 we have shipped some $80 million worth of arms. That is almost half of all the arms shipped to Chile since the program began in the 1950's. There still remain some $24 million worth of "pipeline" orders for future deliveries to Chile.

Mr. Chairman, my amendment would cease delivery of this equipment. This equipment includes revolvers and ammunition, handgrenades and equipment that can be used to further directly repress the people of Chile. Indeed, included is equipment which could be further used perhaps by Chilean agents to come into this country and murder residents of this country, as suggested by the indictments brought yesterday against three Chileans for their involvement in the murder bombing of Mr. Letelier and Ronni Moffitt, almost 2 years ago. Although the question of pipeline shipments to Chile is now under review, the administration is unwilling to assure Congress that shipment of even those items which could be directly used to repress the rights of Chilean citizens will be withheld pending some improvement in the human rights situation in Chile. I am submitting a complete listing of these pipeline items for the RECORD.

Yesterday, the U.S. Department of Justice indicted three Chileans for their involvement in the bombing murder of former Chilean Ambassador Orlando Letelier. The indicted include the former director of Chile's secret police, DINA, a man who functioned until very recently as a key aide and political intimate of General Pinochet. Also indicted is DINA's former director of operations, an officer in the Chilean Army who is charged with conveying the murder order to operatives in the United States. Finally, the indictments name a DINA agent who even now is a member of the Chilean armed forces.

I think there is no question that Chile ranks as one of the most repressive, inhumane governments in the world today. I think there is no question that the spirit of U.S. law calls for the cessation of shipments of military arms to Chile. There is no question that some $80 million of arms have been delivered since the law was enacted. I submit they have been delivered in contravention to the spirit of the law of the U.S. Government.

This amendment merely closes that loophole through which the United States has delivered "pipeline items" to a country which I do not think under any circumstances we would like to support with military assistance at this point. I think we must stop the shipment of arms and deliver a clear message that we do not want to supply arms to a nation that sends agents into this country to murder people protected by our laws. Further, the message of this amendment is that we will not send military equipment to those countries who jail citizens for political reasons, who murder and torture their own citizens, in contravention of the internationally accepted standards of human rights.

I submit that the situation in Chile can not sustain even cautious hope for progress away from General Pinochet's brutally repressive regime. In light of this, there is no reason to allow the shipment of $24 million more in arms and military equipment to Chile. I urge you to act in the spirit of our avowed human rights policy and the 1976 arms cutoff by supporting this amendment.

FMS DELIVERIES TO CHILE

Case	Description	Letter of offer acceptance date	Dollar value of deliveries as of— May 30, 1978	June 30, 1976	Dollar value delivered in period	Undelivered balance as of May 31, 1978
BAC	Support equipment	Feb. 6, 1970	195,917	195,539	378	4,094
BAH	Automotive equipment	June 16, 1971	294,398	293,125	1,273	5,602
BAI	Maintenance equipment	Aug. 23, 1974	140,494	137,462	3,032	0
BAJ	Maintenance repair parts and tools	Jan. 17, 1974	162,927	147,423	15,504	17,478
TAR	Books, maps and publications	June 7, 1974	4,344	4,341	3	431
TBM	do	June 9, 1975	574		574	5,696
TBN	do	Aug. 7, 1975	2,532	34	2,498	7,468
UGC	Armored personnel carrier and equipment	Aug. 10, 1972	144,256	143,766	490	27,799
UGL	Artillery tool sets	Jan. 12, 1973	41,075	16,188	24,887	483
UGG	Automotive supplies and equipment	June 11, 1973	147,843	27,127	120,716	1,987
UHN	105-mm cartridges	Dec. 18, 1974	876,970		876,970	229,437
UID	Fire control equipment	do	95,932	3,797	92,135	307,227
UIZ	106-mm recoilless rifles and parts	do	119,065		119,065	3,459,255
UJA	3.5-in rockets, 66-mm rockets and 106-mm cartridges	do	1,360,360		1,360,360	3,382,950
AAP	Ammo components	July 29, 1974	1,489,253	400,177	1,089,076	84,136
CAC	Aircraft spare parts	Mar. 10, 1974	26,644	22,009	4,635	698
CAG	Ammo components	June 22, 1976	29,735		29,735	479,800
GAC	Tech assistance	do	20,528		20,528	45,262
KAA	Aircraft spare parts	do	62,500		62,500	2,571,586
KBA	do	do	1,311,138		1,311,138	2,524,218
PAU	Training aids and publications	Nov. 7, 1973	734	372	362	1,266
PAY	do	Oct. 11, 1974	19,292	17,787	1,505	20,977
PBA	do	June 22, 1976	1,621		1,621	27,296
PBB	do	do	420		420	28,497
PBC	do	do	112,799		112,799	116,118
PBD	do	do	78		78	28,839
RAH	Aircraft spare parts	July 17, 1973	489,345	234,776	254,569	0
RAJ	do	Nov. 29, 1974	944,993	106,184	838,809	162,757
RAL	do	June 22, 1976	236,926		236,926	192,459
SBC	A-37 aircraft (16), spares, and assistance	May 23, 1973	11,895,820	11,676,124	219,696	248,354
SBL	T-37B trainer	do	540,348	426,532	113,816	248,284
SCD	A-37 aircraft (18), spares, and assistance	Oct. 31, 1974	16,574,008		16,574,008	4,059,776

FMS DELIVERIES TO CHILE—Continued

Case	Description	Letter of offer acceptance date	Dollar value of deliveries as of— May 30, 1978	June 30, 1976	Dollar value delivered in period	Undelivered balance as of May 31, 1978
SDR	F-5E aircraft, (18), spares, and asst	May 15, 1974	63,089,710	9,737,342	53,352,368	3,801,962
TAO	Training	Aug 14, 1974	2,420	1,320	1,100	166
TAP	do	Aug 30, 1975	185,838	81,260	104,578	431
VAK	Aircraft mods and AGE	Jan. 28, 1974	2,229	477	1,752	8,321
VAM	do	Nov. 29, 1974	45,344		45,344	113,250
VAP	do	June 22, 1976	3,147		3,147	931,794
ABF	Ammo components	Dec. 31, 1968	252,593	252,593		6,898
ACJ	Torpedoes	Oct. 22, 1971	216,401	186,800	29,601	9,561
ACZ	Ammo components	Dec. 4, 1972	7,095		7,095	0
ADH	Artillery projectiles over 5 in	May 16, 1974	338,198	336,557	1,641	169,217
ADI	Torpedoes	do	791,039	564,405	226,634	116,941
ADJ	Ctgs 105 mm, 15 mm, 37-75 mm and other	Oct. 21, 1974	127,919		127,919	45,254
ADK	Grenades, ammo components	Dec. 2, 1974	1,870		1,870	60,445
BDA	Ship spare parts	Apr. 19, 1974	1,025		1,025	3,284
BDE	Ammo spares	May 10, 1973	57,719		57,719	23,166
BEE	Ship spare parts	Aug. 23, 1973	443,284	408,000	35,284	59,969
BET	Ordnance equipment	Apr. 19, 1974	16,332	12,150	4,182	0
BEY	Ammo components	July 12, 1974	69,892	47,392	22,500	377,954
BFG	Training aids and publications	July 24, 1974	17,970		17,970	18,797
GAJ	Technical assistance	Oct. 17, 1974	12,750	12,500	250	0
JAA	Ship spare parts	July 26, 1974	1,091,977	501,024	590,953	23,524
TAN	Training	May 11, 1976	1,842		1,842	232
UPA	Ship spare parts	June 29, 1973	300,306	296,698	3,608	199,694
USA	do	Oct. 1, 1973	858,261	545,719	312,542	556,739
OAG	Training	Nov. 20, 1974	120,000	112,000	8,000	0
UFL	Miscellaneous ammo—106 mm and below	Dec. 14, 1971	305,785	262,268	43,517	0
UFS	Aircraft spare parts	Dec. 23, 1971	26,950	19,767	7,183	0
UGK	Automotive support equipment	Apr. 12, 1973	422,476	383,332	39,144	0
UHX	General supplies	Aug. 6,1974	654,925		654,925	0
RAH	Aircraft spare parts	July 17, 1973	489,345	234,776	254,569	0
UUA	do	Mar. 31, 1974	17,610	16,676	934	0
	Total		107,315,121	27,865,819	79,449,302	24,817,827

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment, as the gentleman from California has advised us, would prohibit delivery of defense articles or services in the pipeline for Chile. Mr. Chairman, I rise in opposition because I think this amendment is ill-timed. It would be counterproductive because the human rights situation in Chile is now improved over what it was last year according to the United Nations, the International Red Cross, and other respected observers. This amendment would also suggest to other purchasers of U.S. defense articles that we are not a reliable supplier.

The gentleman from California (Mr. STARK) is correct in saying that we passed section 406 of Public Law 94-329 wherein we suspended any shipments of military goods or services. What the gentleman does not make clear, however, is that Congress also clearly expressed in section 406 the intention that deliveries under presently existing FMS contracts with Chile were not to be prohibited by that section. It was drafted in such a way as to make that intent clear. Thus, the pipeline question does not represent a loophole, as the gentleman from California has stated. It is not a loophole in section 406 but rather reflects the considered desire of the Congress not to interfere in existing contractual obligations toward Chile.

I submit, Mr. Chairman, we would be making a bad precedent if we adopted the gentleman's amendment. To prohibit deliveries at this time would present potential serious problems of meeting termination costs. Finally, as I said earlier, it would certainly cause other nations to wonder whether we are, indeed, a reliable supplier.

Mr. STARK. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from California.

Mr. STARK. I thank the gentleman for yielding.

It is my understanding, Mr. Chairman, that the contract for these arms runs from the U.S. Government to Chile. Our Government is under separate contracts with the suppliers. If my amendment carried, it would be our Government who is stopping the shipment to Chile. The U.S. Government could still continue to purchase the arms from the manufacturers and sell them to other people.

Mr. ZABLOCKI. There is a question about that, Mr. Chairman, and in order not to cause any problems, I think we should defeat this amendment. As I have stated, it is ill-timed, and it is contrary to the intent of Congress when we passed the amendment in 1976.

Mr. STARK. Mr. Chairman, will the gentleman yield further for one additional question?

Mr. ZABLOCKI. I will yield.

Mr. STARK. The gentleman mentioned in his eloquent remarks that this would be interfering with the contracts that exist. Does the gentleman consider sending three foreign agents into our country to murder a distinguished Chilean and an American citizen interference with the rights of our Government?

Mr. ZABLOCKI. Of course, they are. But Chile has pursued that matter, the gentleman well knows, and the State Department has been firm in trying to resolve this.

The very paper the gentleman holds indicates the Chilean Government has arrested the men who have been indicted. This amendment might cause problems even in the indictment process.

Therefore, Mr. Chairman, I urge this amendment be resoundingly defeated.

Mr. GREEN. Mr. Chairman, I rise in support of the Stark amendment to halt further pipeline shipments of military arms and equipment to Chile. I am pleased to be a bipartisan cosponsor of this amendment, along with my Democratic colleagues, Mr. STARK, Mr. HARKIN, and Mr. MILLER of California.

In response to human rights violations in Chile under the junta headed by President Augusto Pinochet, Congress voted in 1976 to halt military arms sales to that country. The prohibition did not apply to sales already agreed to which were "in the pipeline" for delivery to Chile.

Through the efforts of my colleague from California (Mr. STARK) it has been revealed that the total amount of military equipment in the pipeline shipped to Chile since the embargo went into effect on June 30, 1976, is $79.5 million. As of May 31, 1978, $24.8 million worth of arms remain in the pipeline for delivery to the regime in Chile.

The purpose of the amendment we are offering is to prohibit the delivery of the $24.8 million remaining in arms, supplies, and other military equipment. To permit a loophole of this kind to exist is to make a mockery of the action Congress took in 1976 to place an arms embargo on Chile.

The rule of the military government in Chile has come to be a worldwide symbol of repression and violations of human rights. Scenes of the stadium turned into a detention camp and soldiers herding away dissidents to unknown fates remain vivid in the conscience of humanity.

Since the junta came to power, international organizations have documented the torture and execution of political prisoners, the "disappearance" of opponents of the regime, and the suppression of all dissent. Last year, Amnesty International released information about secret detention camps in Chile in an effort to prod the military government to account for the more than 1,500 persons who have "disappeared" after being arrested by the regime. The Government of Chile has yet to account for these missing individuals.

It is clear that a khaki curtain has fallen on Chile since September 1973. It is also becoming clear that the curtain is unlikely to be lifted in the near future.

In recent weeks there were reports that relatively more moderate elements within the Chilean military might be able to restrain some of the authoritarian activities of the present government. However, it now appears that General Pinochet has succeeded in consolidating power and removing opposition. He is expected to be able to implement constitutional revisions designed to keep him in power beyond the expiration of his present term.

Continuation of the regime means perpetuation of the climate of fear and terror of the past 5 years. While the most blatant and widespread brutalities have diminished as the number of dissidents has diminished, there is no question that abuses continue. On this point I call my colleagues' attention to the following statement about the situation in Chile which appeared in an article in the New York Times of July 30:

A report released recently by the Inter-american Commission on Human Rights at the Organization of American States said that while the number of complaints had declined, "inhuman practices have not been totally abolished." It also noted that in a group of 327 arrests last year, 14 of the detained persons had "disappeared."

Given these circumstances, it is unconscionable that the United States continue to supply the Chilean military with $24.8 million in arms and equipment.

While the Pinochet regime may not long endure, the memory of U.S. military support for the junta is bound to linger in the minds of Chileans who have struggled to regain their freedom and to restore democratic rule to Chile.

One of the frustrations of our reaction to the Soviet Union's treatment of dissidents is the difficulty in being able to bring direct pressure on the Soviets in response to their violations of human rights. In the case of Chile, we have the opportunity to exert such pressure by completely cutting off our contribution to the lifeblood of any military government—military arms and parts.

I urge my colleagues to vote in favor of the amendment we are offering and to remove the "Made in U.S.A." label from the instruments of repression in the arsenal of the regime in Chile.

Mr. MOFFETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I hope that we do not get into a discussion and a big argument here about one government versus another. It seems that a lot of my colleagues from time to time want to drag up the Allende government and which government clearly represents the people. That is not the intention of the gentleman from California.

The issue is this: Does this body have a capacity to respond to barbaric action? We have made statements in this body. We have taken action with regard to Uganda and this Member has been in support of this; in regard to Cambodia, this Member has been in support of this; and in regard to the Soviet Union and the barbaric action there, and this Member has been in support of those, as have many of my colleagues.

I supported the cutoff of exports of computers to the Soviet Union because of the trials. The same thing is at stake here. Do we have the capacity to still be outraged in this body by barbaric action? That is the issue that the gentleman from California raises.

Mr. Chairman, with all due respect to the chairman of the Committee on International Relations, this amendment is not ill-timed. It is perfectly timed. We can see the headlines this morning in the paper. It is important for this House to make a statement.

In terms of being a reliable supplier, of course, we are a reliable supplier; but does reliability mean we will supply arms no matter what?

When are we going to take a hard look at a foreign policy which has as its cornerstone that arms represent goodness; that arms represent security; that arms represent progress; that arms represent ability? That was reflected in our vote here yesterday. I believe it has been reflected in other votes in the past months and years. We have to start moving away from that.

Mr. Chairman, this vote represents a very small step but an important step away from that policy.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment because I think it is a very important statement by this Government.

We made an effort—and we were successful in that effort—in forbidding the export of arms to Chile. But we also have what we call "pipeline sales." We have found out that it is an endless pipeline which continues to supply arms, not for defensive purposes, but arms that are clearly meant for purposes of internal security.

When two of my colleagues from this House and I visited Chile during our first term, we were constantly told by the Chilean Government and by our Ambassador that Chile had the best internal security in South America. Let me tell the Members that must be true, because as we walked around Santiago, we were never out of sight of somebody with a burp gun or with a machine gun patrolling the streets.

We are now told that we must commit these pipelines sales because we must be a reliable partner, a reliable supplier. Let us talk about who is our reliable partner and our reliable purchaser. Let us talk about the Chilean Government.

I strongly believe this is a government that made a decision to come into this Nation's Capital and to murder a U.S. citizen and kill a former member of their government. And they did it by bombing him in this city. Yesterday the indictments were handed out. We have asked for these people to be returned to this country for trial. That government is our partner.

I knew Orlando Letelier, and I knew Ronni Moffitt. That day when they were blown up was a very sad day for this country. We talk about terrorism in Italy, and we talk about terrorism in other parts of the world. Well, it happened right here that day, in this capital city. When I walked through those streets arm in arm with this man's widow and the husband of Ronni Moffitt, we knew what terrorism was about.

That is our partner at the other end of this pipeline. That is the partner that we are told we must be reliable toward.

I met and talked with General Leigh, who, let me tell the Members, was in my mind no liberal voice of the junta. Now, apparently, he has now started speaking out against the repressiveness and against the taking away of thousands of citizens in the night, and he was thrown out of the Junta.

And that is what has happened.

When they told us the prison to which citizens were allegedly taken did not exist, my colleague, the gentleman from Iowa, TOM HARKIN, found the prison and went there and witnessed it.

They told us that it was not true that thousands of people disappeared. But we had affidavits from many, many people telling us that in fact friends and relatives had disappeared in the night. And that practice continues.

At the request of the U.S. Department of Justice, the former head of the secret police in Chile has been indicted, for murdering an American citizen, and their former Ambassador to the United States, in this city. And yet we are asked today to be a reliable partner of that government. We are asked today to keep our commitment.

I do not think so, Mr. Chairman. I do not think we ought to be doing that in this Congress, not when acts of terrorism are carried out as a matter of official government policy.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, I do not think we ought to be doing this, not when acts of terrorism are carried out as official government policy in the streets of our Nation's Capital.

Mr. Chairman, I have great respect for the Chilean people. During the time we spent there we talked with literally thousands of those people—people who were in the former government, people who were in the existing government, economists, labor leaders, dock workers, farmers. We spent almost all of our time interviewing these people.

This is one of the most repressive governments in the world. This is a government that has clearly made internal security their priority at the expense of basic human and civil rights. They will tell you—and our ambassador at that time told us—to go to the marketplace, and watch the people walk in the streets. They didn't tell you that, after we had a

meeting with one of the leading constitutional lawyers in that country, to do nothing more than to explain to us the Constitution of Chile, not after we left the country, they sent him, without notice, to France without his family.

"That's our partner. Let's be reliable." Well, I suggest there is a matter of inconsistency, as already has been pointed out by my colleague, the gentleman from Connecticut.

Mr. Chairman, we have cut off computer sales, we have called back visiting missions because we are upset with the trials in the Soviet Union.

I suggest that we ought to be very upset when we read in this morning's paper what many of us said 2 years ago: that this government, the Chilean Government, was directly involved in those acts of terrorism that took two lives. We ought to be awfully upset that now our committee is asking us to be a reliable trading partner to a bunch of bandits, to a bunch of murderers and a bunch of thieves in another country and that we are somehow supposed to support them in the name of the reliability and commitment of the United States.

Mrs. FENWICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this amendment has great merit. I would like to ask the author of the amendment a question.

As I read the amendment, no deliveries of defense articles or services may be made to Chile pursuant to any sale made before the date of enactment of this section.

Do I then understand correctly that this means that if, for example, a neighboring country should suddenly get enormous shipments of arms from somewhere else, the President would have the power to send shipments of arms to Chile?

Mr. STARK. If the gentlewoman will yield, no, that is not my understanding. The reason this was written in this manner is to say that any sale today——

Mrs. FENWICK. It is cutting off the pipeline.

Mr. STARK. Yes.

Mrs. FENWICK. But what I am asking is, as I understand the President's power under the present law, if he still has the power of waiver, if in his opinion it is necessary in the interest of the United States, to do something different with any new shipments? That power under the present law is not imperiled under this amendment?

Mr. STARK. That is correct.

Mrs. FENWICK. I thank the gentleman.

Mr. YATRON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from California.

Mr. Chairman, while I commend and join the gentleman, in his humanitarian concern for the people of Chile, I must urge my colleagues to reject his amendment.

The transactions which his amendment addresses are a matter of contractual obligation. This question was fully aired during committee and House debate on the International Security Assistance and Arms Export Control Act of 1976.

It was decided at that time, that delivery of contracted goods and services would be permitted. We have banned future military aid to Chile. But if we now extend that ban to the pipeline items, we will unnecessarily limit the flexibility with which the President can conduct our relations with Chile. By extending the ban to pipeline items, the amendment would practically eliminate any leverage we may still have to achieve the human rights objectives which have moved the gentleman, to offer this measure.

As chairman of the Subcommittee on Inter-American Affairs, I urge my colleagues to vote "no" on the Stark amendment.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. YATRON. I yield to the gentleman from Connecticut.

Mr. MOFFETT. I thank the gentleman for yielding.

Mr. Chairman, the gentleman less than 24 hours ago made a very passionate statement, and I think a very convincing statement, about the Cyprus situation.

I thought it was most compelling. The gentleman will recall that I asked him to yield, and he was kind enough to yield to me on that issue. The gentleman knows that almost exactly the same arguments that the gentleman has just made against the amendment offered by the gentleman from California were used by the administration and the proponents of lifting the embargo on Turkey.

Number one, I cite the discussion of flexibility, that somehow we are going to limit the President's flexibility, which the gentleman just mentioned. Second, we are going to eliminate any leverage the President might have on human rights. This is precisely the kind of argument used. The gentleman knows that he rejected that out of hand, as I did.

I was astonished—the gentleman from Iowa and I sat next to each other—I was astonished to see the gentleman making the same argument because of the impassioned statement he made yesterday. I would say that exactly the same principle is involved. Are we going to turn our backs on barbaric governments, are we going to respect governments which take barbaric action on human rights?

Mr. YATRON. In answer to the gentleman, we are not turning our backs on the human rights situation in Chile. As a matter of fact, the White House advises that adoption of this amendment would stymie any plans that they have to get the Chileans to relax with respect to human rights. We would like to give them a little bit more time to encourage the Government of Chile to restore full guarantees of human rights to their people.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. YATRON. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, would the chairman of the Inter-American Affairs Subcommittee, Mr. YATRON, not agree that our greatest concern is to enhance human rights for the people of Chile? We therefore ask this question: Will this amendment enhance human rights in Chile? Will the gentleman not agree that the answer will undoubtedly be no. If this amendment passes we must also ask the question: Will the United States have a continuing influence in Chile? Will our influence in Chile be enhanced with this amendment? And again the answer is no.

The gentleman has stated that we are concerned about the contracts that have been made, and we will be breaking these contracts; our word would be broken; that surely would not be in our national interest. Certainly, the gentleman will agree that the question must be asked: if we do not supply these materials and services, will Chile get them from some other source? The answer is yes.

As I stated earlier, this amendment is ill-timed, is unproductive, and should be voted down. Will the gentleman agree with that.

Mr. YATRON. I agree with the distinguished chairman, and I want to assure the gentleman from Connecticut that my motive is only to make sure that human rights are enforced in Chile.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. YATRON. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding to me.

Yesterday, I and 204 other Members voted against the lifting of the embargo, and there were very many compelling arguments for that position. There is an attempt to make a comparison today in this situation, and in some measure there is a comparison except for one very critical difference. I would like to ask the gentleman one question, or perhaps two.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(At the request of Mr. BIAGGI and by unanimous consent, Mr. YATRON was allowed to proceed for 2 additional minutes.)

Mr. BIAGGI. Is it the gentleman's position and the position of the committee that the Government of Chile is improving the human rights situation?

Mr. YATRON. That is our opinion.

Mr. BIAGGI. Is it the gentleman's position that the Government of Turkey has not done anything to improve the human rights situation in Cyprus?

Mr. YATRON. Well, they have made some efforts, but perhaps the effort has not been as strong as it should be.

Mr. BIAGGI. Would the gentleman's position change if the Government of Turkey did as much as the Government of Chile in relation to human rights?

Mr. YATRON. My position would change, right.

Mr. BIAGGI. I thank the gentleman.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield further?

Mr. YATRON. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Could the gentleman cite for us the various areas of improvement General Pinochet has made in Chile in human rights?

I am not trying to put the gentleman on the spot, but I think it is important that we do not make a record that is

in any way inaccurate. How does General Larios' leaving the Junta affect that? Is th..t an improvement?

Mr. YATRON. As I told the gentleman before, the intent of the subcommittee and my intent is that we want to give the administration an opportunity to encourage Chile to have human rights in that country.

Mr. MOFFETT. I thank the gentleman.

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. HARKIN).

(By unanimous consent, Mr. STARK yielded his time to Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, I am sorry my time is restricted.

I cannot believe what I have heard down here. We have talked about contractual obligations. That contract was abrogated by Chile when they sent their people up here to murder in cold blood a resident of this country and a citizen of this country 2 years ago. That contract has been broken.

In the past we have sent to the nation of Chile $161 million in arms; $79 million of that has gone in the last 2 years during the most repressive times in Chile's history, during the time when the investigation was going on into the slaying of Orlando Letelier and Ronnie Moffitt.

What we are saying now is because of the action that country took not only in regard to the human rights of its own citizens but also in regard to the rights of U.S. citizens, murdering one in cold blood, that we ought to stop this pipeline. Two years ago when that bomb went off, we had no idea that the trail would lead right to the doorstep of General Pinochet, but it has led there, to the head of the DINA, their secret police We have now asked for extradition of those Chileans who have been indicted by this Government.

For us now to say we are going to continue to ship arms to this country, when it will not even turn over those people so they can be tried in our courts for a murder that took place in this country, is to completely turn our backs on everything we have ever said about human rights.

Tell me, when has Turkey ever sent someone to this country to murder a citizen of this country? Never that we know of. And yet we took our action yesterday, and I voted with the people to keep the embargo on, I voted against lifting the embargo against Turkey, but the very same people who supported the embargo there turn around and say, yes, we can continue to ship arms to the Government of Chile.

What are we shipping to Chile? We are shipping $3.4 million for 106-millimeter recoilless rifles and parts; we are shipping $3.3 million for 3.5-inch rockets, 66-millimeter rockets, and 106-millimeter cartridges; and $60,000 of grenades; and $169,217 of artillery projectiles over 5 inches. This is the kind of thing that is left in the pipeline.

If we can cut off the pipeline for Argentina, why can we not cut off the pipeline to Chile?

Let us make the Chilean Government turn over to this Government those Chileans that have been indicted so that they can stand trial in this country, so that the rest of the world knows that we are not going to stand idly by and let terrorism take place uninhibited in this country and let those guilty go free. Following is a table showing the amount of arms we have shipped and how much, as of May 31, 1978, is left in the pipeline. The table shows we are talking about $24.8 million left in the pipeline.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I associate myself with the remarks of the gentleman from Iowa.

(By unanimous consent, Mr. DELLUMS yielded the balance of his time to Mr. HARKIN).

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. JOHN L. BURTON).

Mr. JOHN L. BURTON. Mr. Chairman, I associate myself with the remarks of the gentleman in the well, the gentleman from Iowa (Mr. HARKIN).

(By unanimous consent, Mr. JOHN L. BURTON yielded the balance of his time to Mr. HARKIN.)

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, I thank the gentlemen for yielding their time.

We have heard that this is the wrong amendment at the wrong time. I suggest just the opposite is true. A recent article in Newsweek magazine, dated August 7, talked about a crack in the junta. I would like to read from that—

> The break in the junta touched off speculation that Pinochet's tight grip on Chile's affairs may be loosening, and that he could be in danger of being ousted himself. . . . He has rallied popular support by portraying Peru, Bolivia and Argentina as foreign adventurers seeking to seize Chilean territory, and he has made himself something of a symbol of Chilean nationalism.

Do members know what he is going to use this pipeline of arms for? He is going to use it to exacerbate that condition and to make people think that Peru, Bolivia, and Argentina are going to move and seize the territory of Chile and in doing that he will seize more power and keep himself in power in Chile.

Further from this article:

> Still, some U.S. diplomats suspect that Pinochet's fellow army generals may be about to conclude that his methods have become too costly, and they doubt that he will last until next year.

Now is the time to send the signal straight to the Chilean people and to those military people in that government who are moderates, who understand what it means for the military to be involved in a democratic form of government and not a repressive form of government under the dictatorship of General Pinochet.

Now is the time to send that message so that they will put General Pinochet out of power and return Chile to a democratic form of government.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I want to thank the gentleman for yielding and to congratulate the gentleman for his consistent position on human rights. I would add that each country presents a different situation, because of the varying circumstances in each instance, but the gentleman has made a very salient point which I believe would impact most favorably on the total process and total conscience of the Chilean Government in their efforts to improve the human rights question in Chile. If they allow those individuals indicted for the murder of the ambassador to be tried in the United States. I think that is a point that should be emphasized.

Mr. HARKIN. I thank the gentleman from New York (Mr. BIAGGI). I suggest to the gentleman, and I have also stood with the gentleman in the past on human rights, and I know his strong support for human rights, that if we do not adopt this amendment and we go ahead and continue with these "pipeline" shipments to Chile, this will send a wrong message to the people of Chile and will enhance General Pinochet's position when at this time we should be trying to communicate to the people of Chile to assert themselves and for the moderates on the military junta to assert themselves so as to try to return the country to a democratic form of government. The time is right now and we should adopt this amendment.

I include a tabulation of the FMS deliveries to Chile:

FMS DELIVERIES TO CHILE

Case	Description	Letter of offer acceptance date	Dollar value of deliveries as of— May 30, 1978	June 30, 1976	Dollar value delivered in period	Undelivered balance as of May 30, 1978
BAC	Support equipment	Feb. 6, 1970	195, 917	195, 539	378	4, 094
BAH	Automotive equipment	June 16, 1971	294, 398	293, 125	1, 273	5, 602
BAI	Maintenance equipment	Aug. 23, 1974	140, 494	137, 462	3, 032	0
BAJ	Maintenance repair parts and tools	Jan. 17, 1974	162, 927	147, 423	15, 504	17, 478
TAR	Books, maps and publications	June 7, 1974	4, 344	4, 341	3	431

FMS DELIVERIES TO CHILE—Continued

Case	Description	Letter of offer acceptance date	Dollar value of deliveries as of— May 30, 1978	June 30, 1976	Dollar value delivered in period	Undelivered balance as of May 30, 1978
TBM	Books, Maps and publications	June 9, 1975	574		574	5,696
TBN	do	Aug. 7, 1975	2,532	34	2,498	7,498
UGC	Armored personnel carrier and equipment	Aug. 10, 1972	144,256	143,766	490	27,799
UGG	Artillery tool sets	Jan. 12, 1973	41,075	16,188	24,887	483
UGN	Automotive supplies and equipment	June 11, 1973	147,843	27,127	120,716	1,987
UHL	105-mm cartridges	Dec. 18, 1974	876,970		876,970	229,437
UID	Fire control equipment	do	95,932	3,797	92,135	307,227
UIZ	106-mm recoiless rifles and parts	do	119,065		119,065	3,459,255
UJA	3.5 in rockets, 66-mm rockets and 106-mm cartridges	do	1,360,360		1,360,360	3,382,950
AAP	Ammo components	July 29, 1974	1,489,253	400,177	1,089,076	84,136
CAC	Aircraft spare parts	Mar. 10, 1974	26,644	22,009	4,635	698
CAG	Ammo components	June 22, 1976	29,735		29,735	479,800
GAC	Tech assistance	do	20,528		20,528	45,262
KAA	Aircraft spare parts	do	62,500		62,500	2,571,586
KBA	do	do	1,311,138		1,311,138	2,524,219
PAU	Training aids and publications	Nov. 7, 1973	734	372	362	1,266
PAY	do	Oct. 11, 1974	19,292	17,787	1,505	20,977
PBA	do	June 22, 1976	1,621		1,621	27,296
PBB	do	do	420		420	28,497
PBC	do	do	112,799		112,799	116,110
PBD	do	do	78		78	28,839
RAH	Aircraft spare parts	July 17, 1973	489,345	234,776	254,569	0
RAJ	do	Nov. 19, 1974	944,993	106,184	838,809	162,757
RAL	do	June 22, 1976	236,926		236,926	192,459
SPC	A-37 aircraft (16), spares, and assistance	May 23, 1973	11,895,820	11,676,124	219,696	248,354
SBL	T-37B trainer	do	540,348	426,532	113,816	248,284
SCD	A-37 aircraft (18), spares, and assistance	Oct. 31, 1974	16,574,008		16,574,008	4,059,767
SDR	F-5E aircraft, (18), spares, and asst	May 15, 1974	63,089,710	9,737,342	53,352,368	3,801,962
TAO	Training	Aug 14, 1974	2,420	1,320	1,100	166
TAP	do	Aug 30, 1974	185,838	81,260	104,578	431
VAK	Aircraft mods and AGE	Jan. 28, 1974	2,229	477	1,752	8,321
VAM	do	Nov. 29, 1974	45,344		45,344	113,250
VAP	do	June 22, 1976	3,147		3,147	931,794
ABF	Ammo components	Dec. 31, 1968	252,593	252,593		6,898
ACJ	Torpedoes	Oct. 22, 1971	216,401	186,800	29,601	9,561
ACZ	Ammo components	Dec. 4, 1972	7,095		7,095	0
ADH	Artillery projectiles over 5 in	May 16, 1974	338,198	336,557	1,641	169,217
ADI	Torpedoes	do	791,039	564,405	226,634	116,941
ADJ	Ctgs 105 mm, 15 mm, 37-75 mm and other	Oct. 21, 1974	127,919		127,919	45,254
ADK	Grenades, ammo components	Dec. 2, 1974	1,870		1,870	60,445
BDA	Ship spare parts	Apr. 19, 1974	1,025		1,025	3,284
BDE	Ammo spares	May 10, 1973	57,719		57,719	23,166
BEE	Ship spare parts	Aug. 23, 1973	443,284	408,000	35,284	59,969
BET	Ordnance equipment	Apr. 19, 1974	16,332	12,150	4,182	0
BEY	Ammo components	July 12, 1974	69,892	47,392	22,500	377,954
BFG	Training aids and publications	July 24, 1974	17,970		17,970	18,797
GAJ	Technical assistance	Oct. 17, 1974	12,750	12,500	250	0
JAA	Ship spare parts	July 26, 1974	1,091,977	501,024	590,953	23,524
TAN	Training	May 11, 1976	1,842		1,842	232
UPA	Ship spare parts	June 29, 1973	300,306	296,698	3,608	199,694
USA	do	Oct. 1, 1973	858,261	545,719	312,542	556,739
OAG	Training	Nov. 20, 1974	120,000	112,000	8,000	0
UFL	Miscellaneous ammo—106 mm and below	Dec. 14, 1971	305,785	262,268	43,517	0
UFS	Aircraft spare parts	Dec. 23, 1971	26,550	19,767	7,183	0
UGK	Automotive support equipment	Apr. 12, 1973	422,476	383,332	39,144	0
UHX	General supplies	Aug. 6, 1974	654,925		654,925	0
RAH	Aircraft spare parts	July 17, 1973	489,345	234,776	254,569	0
UUA	do	Mar. 31, 1974	17,610	16,676	934	0
	Total		107,315,121	27,865,819	79,449,302	[1] 24,817,829
Total delivered June 30, 1976 to June 1, 1978						79,000,000
Total delivered to Chile ever						$161,000,000

[1] Outstanding pipeline balance.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I think we have to bear in mind that everything is relevant and we should not look at Chile in a vacuum and confine our outrage at abuses of human rights only to Chile.

First of all, Mr. Chairman, Chile is cooperating in the investigation of the assassinations that occurred. They have deported Townley to our country and that is where we are getting the information necessary for the indictments.

I would also remind the Members that Costa Rica, a great friend of this country, did not do such a thing in the case of Mr. Vesco.

Keep that in mind.

And when we talk about political assassinations go through the rest of the list of such activties and also find out what our CIA was doing in that respect with reference to Castro and Patrice Lumumba, and the list can go on and on so let us not attempt to cloak ourselves in the white mantle of purity when we are pointing the finger at Chile.

Let me say that Chile recently had a free election. I was there 3 days after it occurred—I hear some of the Members murmuring, just let me say that it was a pretty good election compared to Chicago standards, but not so good compared to Iowa standards, and I well recognize that.

But, Mr. Chairman, it was an election and they did have a chance to vote no if they did not like the government. It was a secret ballot.

I also talked to the people, not to thousands, of course, but to quite a few people down there.

Let me also tell you that in Chile you can get a copy of Time magazine and the Miami Herald Tribune. Just try to find one of those in Hungary, where we recently returned the Crown of St. Stephen, the symbol of legitimacy, to a Communist dictatorship.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. No, I cannot yield.

Mr. WEISS. I did not think the gentleman would.

Mr. HYDE. I cannot yield, because I do not have that much time. If I did have the time I would be glad to talk to the gentleman all day long.

Let me further say that I saw a portion of the 40,000 Soviet troops in that country, occupying Hungary right now. We are all for human rights, but I deplore the double standard in applying our standards to the rest of the world.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI) to close debate.

Mr. ZABLOCKI. Mr. Chairman, in this debate we have heard that Chile is not providing the human rights which we would desire. That may be true; but I must point out, Mr. Chairman, that both the United Nations and the International Red Cross have reported that the human rights situation in Chile has improved over what it was the year before. If we want further improvement, let us not put

impediments in the way of that improvement by adopting this particular amendment.

Mr. Chairman, the question was raised about the murder of the former Chilian Ambassador, Letelier. We have indicted those suspected of that murder; and the indication is that the Chilian Government would further cooperate with the United States in that respect.

Mr. Chairman, this amendment, I submit, would cause problems in this legal matter as well as problems with respect to our relations with and our influence in Chile.

Mr. Chairman, I hope the amendment will be resoundingly defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. STARK).

The question was taken; and on a division (demanded by Mr. STARK) there were—ayes 18, noes 40.

RECORDED VOTE

Mr. STARK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 260, not voting 26, as follows:

[Roll No. 631]

AYES—146

Addabbo	Fenwick	Moffett
Akaka	Florio	Moss
Ammerman	Ford, Tenn.	Mottl
Anderson, Calif.	Forsythe	Murphy, Pa.
	Fraser	Myers, Gary
Anderson, Ill.	Garcia	Myers, Michael
Applegate	Gaydos	Nolan
Aspin	Gilman	Nowak
AuCoin	Glickman	Oakar
Baucus	Gore	Oberstar
Bedell	Green	Ottinger
Bellenson	Guyer	Panetta
Benjamin	Hanley	Patterson
Bingham	Hannaford	Pattison
Blanchard	Harkin	Pease
Blouin	Harrington	Pressler
Boland	Hawkins	Rahall
Bonior	Heckler	Rangel
Bonker	Hollenbeck	Reuss
Brademas	Holtzman	Richmond
Brodhead	Howard	Rodino
Brown, Calif.	Hughes	Roe
Burke, Calif.	Jacobs	Rose
Burke, Fla.	Jeffords	Rosenthal
Burton, John	Johnson, Colo.	Roybal
Burton, Phillip	Kastenmeier	Ryan
Caputo	Keys	Scheuer
Carr	Kildee	Schroeder
Cavanaugh	Kostmayer	Seiberling
Chisholm	Krebs	Solarz
Clay	Lederer	St Germain
Corman	Leggett	Stark
Cornell	Lehman	Stokes
D'Amours	Long, Md.	Studds
Dellums	Lundine	Thompson
Diggs	McCloskey	Traxler
Dodd	McCormack	Tucker
Dornan	McHugh	Udall
Downey	McKinney	Van Deerlin
Drinan	Markey	Vanik
Early	Marks	Vento
Eckhardt	Mazzoli	Walgren
Edgar	Metcalfe	Waxman
Edwards, Calif.	Mikulski	Weaver
Eilberg	Mikva	Weiss
Emery	Miller, Calif.	Wirth
English	Mineta	Wolff
Ertel	Mitchell, Md.	Yates
Evans, Ind.	Moakley	Young, Mo.

NOES—260

Abdnor	Badham	Bolling
Alexander	Bafalis	Bowen
Ambro	Baldus	Breckinridge
Andrews, N.C.	Bauman	Brinkley
Andrews, N. Dak.	Beard, R.I.	Brooks
	Beard, Tenn.	Broomfield
Annunzio	Bennett	Brown, Mich.
Archer	Bevill	Brown, Ohio
Armstrong	Biaggi	Broyhill
Ashbrook	Boggs	Buchanan
Burgener	Hefner	Poage
Burleson, Tex.	Heftel	Preyer
Burlison, Mo.	Hightower	Price
Butler	Hillis	Pritchard
Byron	Holland	Pursell
Carney	Holt	Quayle
Carter	Horton	Quillen
Cederberg	Hubbard	Railsback
Chappell	Huckaby	Regula
Clausen, Don H.	Hyde	Rhodes
	Ichord	Rinaldo
Clawson, Del	Ireland	Risenhoover
Cleveland	Jenrette	Roberts
Cohen	Johnson, Calif.	Robinson
Coleman	Jones, N.C.	Rogers
Collins, Tex.	Jones, Okla.	Roncalio
Conable	Jones, Tenn.	Rooney
Conte	Jordan	Rostenkowski
Corcoran	Kazen	Rousselot
Cornwell	Kelly	Rudd
Cotter	Kemp	Runnels
Coughlin	Kindness	Ruppe
Crane	Krueger	Russo
Cunningham	LaFalce	Santini
Daniel, Dan	Lagomarsino	Sarasin
Daniel, R. W.	Latta	Satterfield
Danielson	Leach	Sawyer
Davis	Lent	Schulze
de la Garza	Levitas	Sebelius
Delaney	Livingston	Sharp
Derrick	Lloyd, Calif.	Shipley
Derwinski	Lloyd, Tenn.	Shuster
Devine	Long, La.	Simon
Dickinson	Lott	Sisk
Dicks	Lujan	Skelton
Dingell	Luken	Skubitz
Duncan, Oreg.	McClory	Slack
Duncan, Tenn.	McDonald	Smith, Iowa
Edwards, Ala.	McEwen	Smith, Nebr.
Edwards, Okla.	McFall	Snyder
Erlenborn	McKay	Spellman
Evans, Colo.	Madigan	Spence
Evans, Del.	Mahon	Staggers
Evans, Ga.	Mann	Stangeland
Fary	Marlenee	Stanton
Fascell	Marriott	Steed
Findley	Martin	Steers
Fish	Mattox	Steiger
Fisher	Meeds	Stockman
Fithian	Meyner	Stratton
Flippo	Michel	Stump
Flood	Milford	Taylor
Flynt	Miller, Ohio	Thone
Foley	Minish	Thornton
Fountain	Mitchell, N.Y.	Treen
Fowler	Mollohan	Trible
Frenzel	Montgomery	Vander Jagt
Frey	Moore	Waggonner
Fuqua	Moorhead, Calif.	Walker
Gammage		Walsh
Gephardt	Moorhead, Pa.	Wampler
Giaimo	Murphy, Ill.	Watkins
Gibbons	Murphy, N.Y.	White
Ginn	Murtha	Whitehurst
Goldwater	Myers, John	Whitley
Gonzalez	Natcher	Whitten
Gooding	Neal	Wilson, Bob
Gradison	Nedzi	Wilson, C. H.
Grassley	Nichols	Wilson, Tex.
Gudger	Nix	Winn
Hagedorn	O'Brien	Wright
Hall	Obey	Wydler
Hamilton	Patten	Wylie
Hammer-schmidt	Pepper	Yatron
	Perkins	Young, Alaska
Hansen	Pettis	Young, Fla.
Harris	Pickle	Zablocki
Harsha	Pike	Zeferetti

NOT VOTING—26

Ashley	Ford, Mich.	Symms
Barnard	Jenkins	Teague
Breaux	Kasten	Tsongas
Burke, Mass.	Le Fante	Ullman
Cochran	McDade	Volkmer
Collins, Ill.	Maguire	Whalen
Conyers	Mathis	Wiggins
Dent	Quie	Young, Tex.
Flowers	Sikes	

The Clerk announced the following pairs:

Mr. Tsongas for, with Mr. Burke of Massachusetts against.

Mr. Conyers for, with Mr. Breaux against.

Mrs. Collins of Illinois for, with Mr. Le Fante against.

Messrs. MURPHY of Pennsylvania, MINETA, LEDERER, MICHAEL O. MYERS, and BLANCHARD changed their vote from "no" to "aye."

Mr. LIVINGSTON and Mr. WATKINS changed their vote from "eye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HARKIN

Mr. HARKIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARKIN: Page 19, immediately after line 14, insert the following new section 21:

Termination of Deliveries of Defense Articles to Chile

SEC. 21. Section 406(a)(2) of the International Security Assistance and Arms Export Control Act of 1976 is amended by adding at the end thereof the following new sentence:

"After the date of enactment of the International Security Assistance Act of 1978, no deliveries of defense articles or services may be made to Chile pursuant to any sale made before the date of enactment of this section, until the Government of Chile has turned over to U.S. custody those Chileans indicted for the murder of Orlando Letelier and Ronni Moffitt.

Redesignate existing section 21 of the bill as section 22 and correct any cross references thereto.

Mr. ZABLOCKI. Mr. Chairman, I reserve a point of order against the amendment.

Mr. HARKIN. Mr. Chairman and members of the committee, I do not believe that any vote has been taken in this Chamber in the 3½ years that I have been here that has saddened me more than the vote that was just taken. I do not question any Member's motive, and I do not question any Member's vote that was just taken. I only make it as a matter of statement from my own heart, that it is the most disheartening vote I have ever seen cast on the floor of the House of Representatives since I have been here.

Two years ago—2 years ago almost to this month—a very good friend, a beautiful young girl in her early twenties, was blown to bits in a car here in Washington, D.C. I did not know Orlando Letelier; to the best of my knowledge I never met him. But I do know his widow, Isabel, and I did know Ronni Moffitt, and I know her husband, Mike Moffitt. I know how her young life was ended by that bomb blast 2 years ago.

I congratulate our Government, our State Department, and our FBI for what they have done to uncover the evidence in this case, to follow the trail where it led, and finally yesterday, as is outlined in the headline in the Washington Post this morning, to indict those responsible for that horrible murder.

Imagine, if you can, a young woman sitting in a car, with her husband in the back seat, and he watches as his wife and friend are blown apart by a bomb. We are only asking for justice. The State Department has done its job; the FBI has done its job, and now it is up to us to do our job.

All I have said in this amendment is that the pipeline shipments that go to Chile, the $24 million in guns and ammunition and hand grenades and recoilless rifles, be stopped until the Chilean Government turns over to this Government those Chileans who were indicted in this horrible murder. We have a

treaty with Chile going all the way back to the turn of this century under which terms of the treaty either the United States or Chile, if any of our citizens are indicted for murder or for assassination, that government has to turn over to the other government those persons so indicted.

We have the Chilean Government right now holding these people, holding these people in custody. All I am saying in my amendment is, let us hold up the pipeline shipments of arms and guns and ammunition until they abide by the terms of that treaty—a legitimate treaty, ratified by both countries years and years ago—and turn over to our Government, to end this final phase of the investigation, those three Chileans who were responsible for issuing the orders, laying out the plans, hiring the assassins, to put an end to the life of a U.S. citizen, a young woman, and to end the life of a U.S. resident, Orlando Letelier, here on the streets of Washington 2 years ago.

Mr. Chairman, I yield back the balance of my time.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I commend the gentleman for his amendment. I also, as I have stated before, commend him for his consistency on human rights.

I did not vote with the gentleman on the preceding vote, because I believed the committee's report and our colleague, the gentleman from Pennsylvania (Mr. YATRON), when he stated there was an improvement in the human rights conditions in Chile. However, this amendment is somewhat different, and I think all governments being in good faith, should return those indicted in our courts for a crime committed in our Nation. This I believe is a reasonable request and would be a clear indication of good faith on the part of the Chilean Government.

I urge support of this amendment and I congratulate the gentleman from Iowa.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, does the gentleman have any information that the Chilean Government is going to disregard its obligation under this treaty?

Mr. HARKIN. We do not know. Yes, if they follow the same course as they have in the past, first they denied the people existed, and then they denied the people were involved in it, and they have denied all along they had anything to do with it.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. HARKIN) has expired.

(On request of Mr. HYDE, and by unanimous consent, Mr. HARKIN was allowed to proceed for 2 additional minutes.)

Mr. HYDE. May I ask the gentleman, if the gentleman will yield further, the signs of cooperation and the actions of cooperation from the Chilean Government are there, including the deportation of Townley, who has been testifying before the grand jury in providing this information; the incarceration of those people—are not those signs of cooperation? And if we think they are, does the gentleman not think this effort to coerce their adhering to a treaty might be counterproductive?

Mr. HARKIN. No; I do not. As a matter of fact, I know the gentleman from Illinois is concerned with all human rights and he has a good record on that issue. But I do not believe so, because it is my personal opinion that if Pinochet had any idea that the release of Townley would have led to what it has led to, I do not think Townley ever would have gotten out of Chile.

Mr. HYDE. I submit we ought to give them a chance to live up to the treaty before we put a coercive provision in here. Anticipatory sanctions are demeaning and counterproductive.

Mr. HARKIN. All I have said is they should live up to the treaty, and if they do they get the materiel that is in the pipeline. That is all.

The CHAIRMAN. Does the gentleman from Wisconsin insist on his point of order?

Mr. ZABLOCKI. I do not insist on my point of order, to save time.

Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. ZABLOCKI. Mr. Chairman, I think the substantive part of this amendment is identical to the amendment introduced earlier by the gentleman from California (Mr. STARK). The committee has voiced its opinion and I urge and expect the same fate for this amendment.

It deserves the same fate as the Stark amendment because it is identical to that amendment with the addition of one condition: Until the Government of Chile has turned over to the U.S. custody of those Chileans indicted for the murder of Orlando Letelier and Ronnie Moffitt.

We have no evidence the Chilean Government will not comply with the extradition treaty we have with that country. There is no reason to presume that the Chilean Government will not cooperate. As I said earlier during the debate on the Stark amendment, his amendment would be counterproductive, I submit the same condition would occur here. If we want Chilean cooperation we should reject this amendment.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman I thank the gentleman for yielding.

I would like to ask the Chair, since the gentleman from Wisconsin reserved a point of order, and the gentleman from Maryland who was also on his feet did not reserve a point of order because he thought the gentleman from Wisconsin was going to make a point of order, whether or not it would be in order for the gentleman from Maryland to make a point of order?

The CHAIRMAN (Mr. FUQUA). The Chair had recognized the gentleman from Wisconsin (Mr. ZABLOCKI) for 5 minutes, so the point of order could not be made at this time.

Mr. BAUMAN. Can the gentleman from Wisconsin still make his point of order at this time?

The CHAIRMAN. No, he cannot.

Mr. BAUMAN. I thank the Chair.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, when the last gentleman was in the well speaking for the amendment he said that had the Chilean Government known what Mr. Townley was going to say when he came to the United States, they would not have allowed him to come. I do not know if that is so. Perhaps an investigation would show that, but, it would seem to me that if that is true, that they did not know what he was going to say, that that would indicate that there was not the kind of complicity going on that is associated in the press with the Chilean Government.

That will have to be determined in the hearings.

I think this amendment, like the last one, should be defeated.

Mr. ZABLOCKI. Mr. Chairman, I think that we have had sufficient time to consider this amendment in view of the previous amendment, and I believe that we have had a sufficiently long debate on it.

Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. HARKIN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ZABLOCKI. Mr. Chairman, I move that all debate on this amendment close in 5 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The question was taken; and on a division (demanded by Mr. ZABLOCKI) there were—ayes 49, noes 38.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 228, not voting 33, as follows:

[Roll No. 632]

AYES—171

Addabbo	Carter	Flynt
Akaka	Cederberg	Forsythe
Andrews, N.C.	Chappell	Fountain
Andrews, N. Dak.	Cleveland	Frenzel
Annunzio	Collins, Tex.	Frey
Applegate	Conable	Fuqua
Baldus	Cotter	Gaydos
Beard, R.I.	Daniel, Dan	Gibbons
Beard, Tenn.	Daniel, R. W.	Ginn
Biaggi	Davis	Gonzalez
Blanchard	Delaney	Gradison
Boggs	Devine	Hall
Boland	Dickinson	Hannaford
Bowen	Duncan, Tenn.	Harsha
Brinkley	Edwards, Ala.	Hefner
Brooks	Erlenborn	Heftel
Broomfield	Evans, Colo.	Hightower
Brown, Ohio	Evans, Ga.	Hillis
Broyhill	Fary	Hollenbeck
Burleson, Tex.	Fascell	Hyde
Burlison, Mo.	Fenwick	Ichord
Butler	Findley	Ireland
Byron	Flippo	Jones, N.C.
Carney	Flood	Jones, Okla.
	Florio	Jones, Tenn.

Jordan	Patterson	Solarz
Kastenmeier	Pepper	Staggers
Krueger	Perkins	Stangeland
Lagomarsino	Pettis	Stanton
Latta	Pike	Steed
Lent	Poage	Steers
Lloyd, Calif.	Quillen	Stratton
Lloyd, Tenn.	Rahall	Stump
Long, La.	Railsback	Taylor
Lott	Reuss	Traxler
McFall	Rhodes	Ullman
McKay	Risenhoover	Van Deerlin
Madigan	Roberts	Waggonner
Mahon	Robinson	Walsh
Marlenee	Roe	Watkins
Meeds	Roncalio	White
Michel	Rooney	Whitehurst
Milford	Rostenkowski	Whitley
Minish	Roybal	Whitten
Mollohan	Rudd	Wiggins
Montgomery	Runnels	Wilson, Bob
Moss	Ruppe	Wilson, C. H.
Mottl	Ryan	Winn
Murphy, Ill.	Santini	Wirth
Murphy, N.Y.	Sawyer	Wolff
Murtha	Sebelius	Wright
Myers, John	Shipley	Wylie
Natcher	Shuster	Young, Alaska
Nedzi	Sikes	Young, Mo.
Nichols	Skubitz	Zablocki
Nix	Slack	Zeferetti
Obey	Smith, Nebr.	
Patten	Snyder	

NOES—228

Abdnor	Edwards, Calif.	McCormack
Alexander	Edwards, Okla.	McDonald
Ambro	Eilberg	McEwen
Ammerman	Emery	McHugh
Anderson, Calif.	English	McKinney
	Ertel	Mann
Anderson, Ill.	Evans, Del.	Markey
Archer	Evans, Ind.	Marks
Armstrong	Fish	Marriott
Ashbrook	Fisher	Martin
Aspin	Fithian	Mattox
AuCoin	Foley	Mazzoli
Badham	Ford, Tenn.	Metcalfe
Bafalis	Fowler	Meyner
Barnard	Gammage	Mikulski
Baucus	Garcia	Mikva
Bauman	Gephardt	Miller, Calif.
Bedell	Giaimo	Miller, Ohio
Beilenson	Gilman	Mineta
Benjamin	Glickman	Mitchell, Md.
Bennett	Goldwater	Mitchell, N.Y.
Bevill	Gore	Moakley
Bingham	Grassley	Moffett
Blouin	Green	Moore
Bolling	Gudger	Moorhead, Calif.
Bonior	Guyer	
Bonker	Hagedorn	Moorhead, Pa.
Brademas	Hamilton	Murphy, Pa.
Breckinridge	Hammer-schmidt	Myers, Gary
Brodhead		Myers, Michael
Brown, Calif.	Hanley	Neal
Brown, Mich.	Hansen	Nolan
Buchanan	Harkin	Nowak
Burgener	Harrington	O'Brien
Burke, Calif.	Harris	Oakar
Burke, Fla.	Hawkins	Oberstar
Burton, John	Heckler	Ottinger
Burton, Phillip	Holland	Panetta
Caputo	Holt	Pattison
Carr	Holtzman	Pease
Cavanaugh	Horton	Pickle
Chisholm	Howard	Pressler
Clawson, Del	Hubbard	Preyer
Clay	Huckaby	Price
Cohen	Hughes	Pritchard
Coleman	Jacobs	Pursell
Conte	Jeffords	Quayle
Corcoran	Jenrette	Rangel
Corman	Johnson, Calif.	Regula
Cornell	Johnson, Colo.	Richmond
Cornwell	Kazen	Rinaldo
Coughlin	Kelly	Rogers
Crane	Kemp	Rose
Cunningham	Keys	Rosenthal
D'Amours	Kildee	Rousselot
Danielson	Kindness	Russo
de la Garza	Kostmayer	Sarasin
Dellums	Krebs	Satterfield
Derrick	LaFalce	Scheuer
Derwinski	Leach	Schroeder
Dicks	Lederer	Schulze
Diggs	Lehman	Seiberling
Dodd	Levitas	Sharp
Dornan	Livingston	Simon
Downey	Long, Md.	Skelton
Drinan	Lujan	Spellman
Early	Luken	Spence
Eckhardt	Lundine	St Germain
Edgar	McClory	Stark
Steiger	Trible	Waxman
Stockman	Vander Jagt	Weaver
Stokes	Vanik	Weiss
Studds	Vento	Wilson, Tex.
Thompson	Volkmer	Wydler
Thone	Walgren	Yates
Thornton	Walker	Yatron
Treen	Wampler	Young, Fla.

NOT VOTING—33

Ashley	Ford, Mich.	Rodino
Breaux	Fraser	Sisk
Burke, Mass.	Goodling	Smith, Iowa
Clausen, Don H.	Jenkins	Symms
	Kasten	Teague
Cochran	Le Fante	Tsongas
Collins, Ill.	Leggett	Tucker
Conyers	McCloskey	Udall
Dent	McDade	Whalen
Dingell	Maguire	Young, Tex.
Duncan, Oreg.	Mathis	
Flowers	Quie	

Messrs. METCALFE, BLOUIN, BINGHAM, THOMPSON, and DIGGS changed their vote from "aye" to "no."

Mr. MILFORD changed his vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. DELLUMS. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I asked for this record vote not in any way to encumber the business of the House, but I thought it was incredibly important that some of us have an opportunity to counter a very important but mistaken comment that has been made on this floor and a very mistaken perception that seems to prevail here. The perception is that this particular amendment is exactly the same as the amendment that was offered before. Nothing could be further from the truth.

This is what we refer to as the "Chilean version of the Kim Dong Jo amendment."

I am sure the Members recall on several occasions, by an overwhelming vote of this House, we voted to cut off food to South Korea until they cooperated with the U.S. Government. Why did we vote to cut off aid to Korea? Because the possibility remained that allegations with respect to the Members who are participants in this body could have been the result of that testimony, and obviously, since this is an election year, none of us wanted to be on the wrong side of an investigation, and we all wanted to present ourselves to the American people as very clean people. Therefore, we were prepared to cut off food to South Korea until they cooperated with the investigation.

Now, what do we have here? We have an American citizen and a Chilean National who were bombed and killed in this country, at Dupont Circle in Washington, D.C.—bombed and killed by a terrorist act in this city, the Capital of the United States.

My question is this: What would cause us to vote to cut off aid to South Korea? It was to force that government to cooperate with us in order to cleanse our own souls so we could say to our voters that we did not take any money from the Koreans.

Why is there any difference between that vote and this vote? Is this substantively different? Two people are dead as a result of a terrorist act.

I would admonish my colleagues who voted on the other side of the issue the last time to consider very carefully the fact that this vote is not the same vote.

What do the Members say in communicating with their constituents if they vote against this amendment? That we are prepared to bring people from Korea to testify and see to it that we are cleared, but that we can turn our backs on murder and terrorism in this country and in this city? I find that absolutely incredible.

So, yes, I asked for a record vote that took 15 minutes of our precious time, but I did it because it is critically important for me to say to the Members that this is not the same vote. To those Members who do not wish to be hypocrites I would suggest that the 300 and some odd Members who voted to say to the Korean Government that "you must comply with our investigation" should consider this vote very carefully. Why should we protect terrorists, murderers, and bombers of our own citizens?

Mr. Chairman, I ask the Members to think very carefully before they vote against this amendment.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. JOHN L. BURTON. Mr. Chairman, I thank the gentleman for yielding, and I would like to associate myself with his remarks.

The gentleman has stated the point. This is a different amendment, as the gentleman from New York (Mr. BIAGGI) so eloquently stated. He told us that he opposed the first amendment but supports this amendment because it is different.

I do not think it is an unreasonable burden on anyone for us to say, "If you want the benefit of our arms, you ought to cooperate with our law enforcement personnel on a matter of the murder of a U.S. citizen."

Mr. DELLUMS. Mr. Chairman, I thank my colleague for his remarks

To simply summarize, let me say this: We cut off food and aid to South Korea, and we made a statement to the South Korean Government that "you must cooperate with an investigation dealing with the Members of the House and the Members of the Senate."

My question is this: Why can we not vote to cut off these pipeline funds for arms until such time as the Chilean Government cooperates with us on charges of murder and terrorism?

I would suggest to my colleagues that this is a very substantially different vote, and I would suggest that all of my colleagues overwhelmingly vote on the side of justice and equity and against terrorism and murder and all of the things that we purport to oppose that is evil in this country and in the world.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. DORNAN. I thank the gentleman for yielding.

Mr. Chairman, I agree with the sentiments the gentleman expresses. I departed from what appeared to be the conservative approach on the preceding vote, and I did vote to send a message loudly and clearly to Chile that, destroying lives in our country is absolutely intolerable.

I have made a personal resolution to be consistent with my approach to human rights across the board and not to look for rationalizations that let violent and terror inflicting governments off the hook. We cannot refuse to come down hard on the horn of South America because we feel it will drive them into some sort of Marxist government, "the out of the frying pan and into the fire" rationalization. We have a long way to go before that can happen again in the cone.

But will the gentleman in the well and the distinguished gentleman from Iowa (Mr. HARKIN) and the distinguished gentleman from California (Mr. MILLER) support amendments today to condemn the African so-called frontline states, the so-called patriotic-front surrounding Zimbabwe/Rhodesia, when we see them supporting vicious terrorism?

Why can we not be consistent with all terrorism, whether it is perpetrated in Cambodia, Uganda, or at Sheridan Circle in Washington, D.C.?

Liberals and conservatives in this great body and in the other body have to pull consistently together on these human rights issues and speak out against murder everywhere whether it is PLO terrorism or whether it is torture by some rightwing military junta in South America. Together we must state that we will no longer tolerate aiding the kinds of people who blow people's bodies apart, not just in this city, but in aircraft all across the globe, on buses, in restaurants, on front porches in front of wives and children.

Will the gentleman support all amendments that come down hard on terrorism and bombing anywhere in the world?

Mr. DELLUMS. Mr. Chairman, I will say to the gentleman that I will listen to the arguments the gentleman proposes. But let me deal with the general statement.

I have spoken on several occasions on this floor and in fact talked with several of my colleagues in private on this matter. I think the gentleman raises a very critical issue. The right attacks the leftwing governments and the left attacks the rightwing governments on the floor of Congress. I think the critical issue here is that we have to develop a sense of continuity, consistency, and uniformity. I would think that if one would ask 435 Members of this body, "What do you mean by human rights?" one would get 435 different versions, or certainly more than one or two.

My suggestion has been that we develop some mechanism. Perhaps the gentleman and I could join together in the first part of the next Congress to ask for the new Congress to establish a time limited committee to study and recommend criteria to be applied regarding human rights. We must develop consistency in this body with respect to criteria we could apply to all nations with respect to human rights. Right now we do not have such a vehicle, and I think that is one of the reasons why the debate is often encumbered by fact that we do not have a set of criteria by which we can apply across the board to any nation. I think we are harmed by that. I think we should develop something in that regard so that we have some consistent mechanism that we can apply to any nation, irrespective of its political views. I think we would be better off, and I think the gentleman has raised a significant point.

Mr. DORNAN. If the gentleman will yield further, I look forward to that uniting of forces, as we have always joined forces in voting against moves to cut off or inhibit cut off debate on this House floor.

Mr. DELLUMS. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has expired.

(On request of Mr. BIAGGI and by unanimous consent, Mr. DELLUMS was allowed to proceed for 1 additional minute.)

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for his presentation. I would like, first, to have the record show that the people involved do not enjoy diplomatic immunity.

One of the arguments against this amendment is that we, the United States, have not yet made an application for the return of these individuals. That may or may not be the fact. But for those who are thinking about opposing this amendment, thinking that it might interfere with our relationship, let me suggest that if the Chilean Government responds, as it should under its treaty obligations, and this Government makes application and the prisoners are returned, then by the time this legislation goes into effect with this amendment the question will become moot and it will have no negative effect, no dilatory impact on the entire process. We can protect and preserve our position by voting for this amendment.

Mr. DELLUMS. I thank my colleague.

Mr. MOFFETT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would first like to express my—I guess appreciation is the word—for the many Members on this side who voted against limiting debate. I think that was another mark of consistency, and those of us over here who were opposing the motion to limit debate are appreciative of that. Briefly, concerning the gentleman from California, I appreciate his position and his consistency on the merits. This Member has voted against many countries, leftist countries as well as rightist, getting aid, countries such as Cambodia, and a number of others, and will continue to do so. But, with regard to the nations the gentleman mentions, this Member would not in any way support the sending of any arms to frontline nations to foment violent revolution in any way. I am not in favor of that—I do not think there are people on our side who are.

The reason I take the well in support of the amendment is not that I feel there is a lot left to say. But there is an except for important clarification to be made. The gentleman from Illinois (Mr. HYDE) and some others have indicated—I think the distinguished chairman has indicated—that there is no sign that Chile will not be cooperative in this matter. Let me go over a bit of history on this, if the membership would permit.

First of all, the assistant U.S. attorney, Mr. Propper, who I think many people would agree has done an excellent job in this matter, has complained several times to the highest levels of the State Department about lack of cooperation from the Chilean Government. He has complained to Mr. Christopher on several occasions, and to other members of the State Department. Weeks and months went by where the U.S. investigation was stalled because Chile stalled.

After the letters of interrogation were delivered one general went on vacation for 6 weeks, just coincidentally right after those letters were delivered.

There were two particular men that Mr. Propper and our own investigators were after. One was Michael Townley, and the other was a man by the name of Fernandos Larios. Fernandos Larios was involved in the raid on the palace in 1973. It is my understanding—I stand to be corrected if this is incorrect, but I do not think it is—Larios was a member of Pinochet's staff. Now, essentially what happened is that two photographs of those two gentlemen were leaked to the Washington Star by someone—I have no idea who—but by someone connected with the investigation, largely because of the fact that in Chile they were saying these two people did not exist.

That went on for weeks and months, and Pinochet himself when he saw the photographs said that he did not recognize the gentlemen. There was brought to his attention the fact that one of them was Larios, his buddy. Finally, the only way that this thing really cracked was when George Landau, our fine Ambassador to Chile—and I emphasize "fine Ambassador"—a man of the highest caliber, finally put the pressure on and came home, and that is finally what happened. That is hardly a record of cooperation; hardly a record of people who are interested in getting to the bottom of the investigation.

Mr. Chairman. I want to be consistent, just like the gentleman from California (Mr. DORNAN) does, and I am going to do my best to be consistent. I think it is admirable that the gentleman and others like him are supporting this amendment, and we are going to bend over backward to cooperate on similar amendments relating to other countries.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Texas.

Mr. KAZEN. I wonder if the gentleman

would get me out of a dilemma? Has Chile refused to cooperate with the United States up until now?

Mr. MOFFETT. From back in 1977, I would say to the gentleman, until this moment the record that I have cited, which I think is accurate, hardly reflects cooperation.

Mr. STARK. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from California (Mr. STARK), who may have some more reasons.

Mr. STARK. Mr. Chairman, in response to the gentleman's question, under Chilean law—and this was reported in the press this morning—the Chileans indicted these people also and have taken them into custody. Their law prevents those people being extradited while they are in custody in Chile.

The cooperative thing would have been not to indict the people at all but to extradite them.

Mr. KAZEN. Mr. Chairman, will the gentleman yield further?

Mr. MOFFETT. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, are we then trying to change the laws of Chile? Those people also have apparently committed a crime against Chile, and what is wrong with Chile bringing a criminal to justice in their own country?

Mr. STARK. Mr. Chairman, if the gentleman will yield further, as the gentleman will recall, in earlier debate it was pointed out there is a treaty running back many years saying that, when murder is committed in our country, the Chileans will send those people back to our country to be tried and, by keeping them there, they are obfuscating the provisions of the treaty.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MOFFETT) has expired.

(On request of Mr. KAZEN, and by unanimous consent, Mr. MOFFETT was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, it was my understanding that the people who were indicted by the United States have been arrested and they are being held in Chile pending extradition proceedings. Am I wrong?

Mr. STARK. Mr. Chairman, if the gentleman will yield further, the indication by observers as far as the people in Chile today was that the Chilean Government solved our extradition question by indicting their people. If indeed they are correct and I am wrong, this amendment will have no force and effect, and so the proceedings will go on.

Mr. MOFFETT. Mr. Chairman, if I may reclaim my time for a second, the Harkin amendment only says they should send those people to us and we will get on with the pipeline materiel.

Mr. KAZEN. But, Mr. Chairman, if the gentleman will yield further, I understand we have to go forward with the extradition proceedings. They cannot just send them over to us.

Mr. MOFFETT. I understand that.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

When this question was raised during consideration of the debate on the prior amendment offered by the gentleman from California (Mr. STARK), I requested information on this matter from the Department of State and I wish to share the reply at this time in order to clarify the main points.

I might say at this point the only reason that I tried to limit time was because we have debated all this before, but that is water over the dam.

But, as far as the indictment and the status of those named in that indictment, the Department of State has requested that the Chilean Government place the three Chilean nationals under provisional arrest pursuant to the terms of an extradition treaty, and this has been done at our request.

So I submit that the Chilean Government is cooperating. The next step is for the United States to send evidentiary documentation to the Government of Chile with a formal request for extradition.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MOFFETT) has again expired.

(On request of Mr. ZABLOCKI, and by unanimous consent, Mr. MOFFETT was allowed to proceed for 2 additional minutes.)

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield further, I think this is a very important point and it will clarify the question of whether or not Chile is cooperating. The U.S. request for introduction will be done as soon as the documents have been translated which may take 2 weeks because of the size of the file. Under the terms of the extradition treaty the Chilean Government must then consider the evidence and make a determination as to whether or not to extradite the prisoners.

In view of the fact that the Chilean Government has cooperated in this matter to date—and it is expected that they will uphold and abide by the extradition treaty—the State Department strongly urges that Congress take no action on the matter at this time.

I urge that we take no action on this matter at this time, because I do think it will be counterproductive. Contrary to what the gentlemen who have argued in favor of the amendment believe, the result will be just the opposite.

I, too, want these prisoners, these people who are indicted, to be brought here for trial, but if we are going to follow the route advocated by the gentleman, we might find ourselves following the wrong path.

Mr. MOFFETT. Mr. Chairman, I know the gentleman wants the men brought here for trial. I am not arguing that.

There is absolutely nothing counterproductive or inconsistent about the Harkin amendment. It simply says we want to get into the ball game. We want it to be done right.

I cannot agree with the statement that Chile has been cooperative because the history I have read over the last year and a half is that they have been anything but cooperative. Let us not leave the country or the membership with the impression that they have been cooperative.

Mr. ZABLOCKI. Is it a question of whether or not I have been misinformed?

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MOFFETT) has again expired.

(On request of Mr. ZABLOCKI, and by unanimous consent, Mr. MOFFETT was allowed to proceed for 1 additional minute.)

Mr. ZABLOCKI. Is our primary interest the return of the men who have been indicted or is our primary interest to cut off what is in the pipeline for Chile? My understanding is that the latter is the purpose of the amendment so that is why I asked to limit debate.

Mr. MOFFETT. It is not the intention of the amendment to cut off the pipeline.

Mr. DOWNEY. If the gentleman will yield, let me say, if it was our intention to cut off the aid, the military aid to Chile, we would not have a provision in it that if they comply by sending these individuals to us that they would get their military supplies.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly voted against the previous amendment because of the assurances that there has been some progress toward a greater respect for human rights in Chile. But on this question I find the amendment offered by the gentleman from Iowa (Mr. HARKIN) perfectly reasonable and I intend to vote for it.

Mr. Chairman, let me also say I have never been more proud of this body than on the vote we just had to refuse to cut off debate on this matter. It was indeed a mistake, after there had been only two previous speakers, to move to cut off debate. I am very happy that the House stood up for its tradition of permitting free and open debate on the questions that come before the Congress.

Mr. KAZEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, voted against the motion to limit debate. I am really sorry the gentleman asked to cut off the debate. Let me say that in the 14 years I served in the Texas Senate that I was one of the frequent members engaged in filibusters and I do not think that there was one time that I ever voted to cut off the debate because debate is the only way one can really get down to the nuts and bolts of the provision that may be before us.

My only concern on this amendment—and I want these people returned, I want them brought back—my only concern is that we do not disturb at this point our relations as far as Chile is concerned if, up until now, what the gentleman from

Wisconsin (Mr. ZABLOCKI) has told us that the State Department has said is the truth, that these people who were indicted, the ones who will have to stand trial, that they have been arrested, and they have been in jail awaiting the following through with the procedure to bring them back here, to extradite them, as has just been said is the procedure under the treaty, that is one thing. If there is any evidence that Chile is backing off on the treaty we would certainly like to know it because if so, then I will join with my colleagues who say we should cut aid to Chile until they do thus and so. But, as long as they are cooperating with us on this matter after these people have been indicted, then I say we are a little premature in doing what this amendment would do.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the chairman, the gentleman from Wisconsin (Mr. ZABLOCKI.).

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding. There is, I might say to the gentleman, no evidence that the Chilean Government is not going to fulfill its obligations under the treaty.

Further, let me say, in retrospect, that I am sorry that I had asked to limit debate. It was done because of a misunderstanding I had; I thought it was just another attempt to prolong the debate on a measure very much like the one that we had already rejected.

Mr. KAZEN. I would agree with the gentleman, but my point is that with debate we can bring these facts out. There are some things which we will learn now that we would not have learned had we cut off debate.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, I thank the gentleman for yielding.

When the gentleman started talking, something clicked in my head. I called my experts on Chilean law, and what I found out is this: It has been reported in El Mercurio, one of the newspapers in Chile, that the Government of Chile arrested these three people because there is a provision in Chilean law which says that as long as a criminal process is going on in Chile against a Chilean citizen, the Supreme Court cannot consider extradition matters until the criminal process in Chile is finished. Therefore, the Supreme Court will set the extradition matter aside.

Mr. Chairman, it is unclear why the Chilian Government arrested these three people. They are now preparing to file charges against them. They are suspects. They may file criminal charges against Contreras because of his involvement in something else.

Mr. Chairman, this may drag on for years, and until the criminal process is completed, the Supreme Court will just set aside the extradition hearing. They will not consider extraditing these people.

That is the reason some people are saying that they were arrested, because of that provision of Chilean law. They were not arrested because our State Department asked the junta to arrest them.

Mr. ZABLOCKI. If the gentleman will yield further, Mr. Chairman, I stated earlier that they were arrested at the request of the State Department, as the report from the Department indicates.

Mr. KAZEN. Where does the chairman get that report?

Mr. ZABLOCKI. This report is from the U.S. State Department.

Mr. KAZEN. From the State Department?

Mr. ZABLOCKI. From the State Department, of course. That is the only place I look for proper evidence.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, there is an aspect of this debate which I think ought to be mentioned.

We all want these witnesses produced. We want Chile to cooperate, but the question is: Do we want the issue here at home more than we want the cooperation of Chile?

We surely have found through recent experience that we cannot, by legislative threat, especially when the threat involves a small sum of money, force a small, proud nation to cooperate. Therefore, I think the enactment of legislation like this in the form of a threat makes it more difficult for Chile to cooperate than what might be the case otherwise.

The CHAIRMAN. The time of the gentleman from Texas (Mr. KAZEN) has expired.

(By unanimous consent, Mr. KAZEN was allowed to proceed for 2 additional minutes.)

Mr. FINDLEY. Mr. Chairman, will the gentleman yield further?

Mr. KAZEN. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, we had the resolution to force the testimony of Kim Dong Jo. It has not worked.

The lever we used, or the club we used, was simply not big enough to get the cooperation of the South Korean Government. Perhaps no club is big enough, but certainly the club involved in this amendment is not big enough to force a proud South American nation to cooperate against its will, and I think it makes more difficult the cooperation that might otherwise be provided.

Mr. KAZEN. Mr. Chairman, I thank the gentleman.

Let me just make this point, Mr. Chairman: Let us be very careful about what we do here this morning. Let us make sure that Chile cooperates one way or the other and that we get these people back to the United States for the trial which they deserve.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from California.

Mr. JOHN L. BURTON. Mr. Chairman, there is one difference between this situation and the Kim Dong Jo matter.

Kim Dong Jo was protected, according to the Government, under the Geneva Convention because he had diplomatic immunity. There was a greater issue involved there, according to the Geneva Convention.

The CHAIRMAN. The time of the gentleman from Texas (Mr. KAZEN) has again expired.

(On request of Mr. JOHN L. BURTON, and by unanimous consent, Mr. KAZEN was allowed to proceed for 30 additional seconds.)

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from California.

Mr. JOHN L. BURTON. Mr. Chairman, there is no issue here of a convention or of diplomatic immunity, the issue that was raised by the Republic of Korea in the Kim Dong Jo matter.

That is a matter which I think goes to the heart of what the gentleman is saying.

Mr. Chairman, I thank the gentleman for yielding.

Mr. KAZEN. In response to what the gentleman has just said, Mr. Chairman, we are operating under a treaty; we do have an extradition treaty with Chile. We ought to give the Chilians the opportunity to move through the normal process.

Mr. JOHN L. BURTON. We are.

Mr. KAZEN. If they should refuse, then I say let us do whatever we have to do. Let us insure that these people in Chile know that.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think the gentleman from Texas (Mr. KAZEN) has raised a good point. We want these witnesses one way or the other, hopefully, alive.

However, Mr. Chairman, if we do not adopt this amendment we empty the pipeline, and then the witnesses are not delivered. Therefore, stalling is in their favor without this amendment, because I think we should hold up the transference of those arms in the pipeline and then let them be delivered. That might be after the domestic Chilian justice system works its will. That might be after these people serve time there, and these arms may not get there until the year 2000.

However, Mr. Chairman, we should not go there and talk with their government. Let us remember what happened: They sent a death squad here to murder somebody in this Nation's Capital.

What are we talking about? They stall and get the arms, and we get nothing. They tell us that they have satisfied their conscience under the Chilian system of government.

Mr. Chairman, I think the Members understand what has happened. The indictment of the head of DINA is not a minor item because we were told when we were in Chile that the head of DINA reported only to Mr. Pinochet himself. All of the evidence suggests that there was an official DINA action taken against

the lives of Ronni Moffitt and Orlando Letelier. So what the gentleman is suggesting is that we negotiate with terrorists. We saw the country of Italy go through weeks of trauma because of a refusal to negotiate with terrorists. We have seen the Dutch. We have seen other countries. But now what we are suggesting is that we are going to negotiate for these arms and that somehow this is the price of release.

That is not what this amendment says. This amendment says we are not going to do business with Chile any longer. You can make up your mind when you want to resume those negotiations and you want to resume business.

All you have to do is to deliver to our system of justice these witnesses. You may take your time, but until you have resolved that question, further arms will not proceed.

So do the Members not see that the Chilean Government is in charge of their own destiny in regards to these pipeline sales? This is not a restrictive amendment.

In the amendment before this—and I supported that amendment—look what we have given up. We have said that they could have arms to carry on repression in their own country, if they deliver these people. We have capitulated to that. So this proud South American country that has spread terror throughout the entire Southern Hemisphere, this proud South American country that blew up people I do not think we ought to continue to do business with until they do not invade this country again for the purposes of carrying out death.

In my office, let me say to the Members, there are two pictures. One is of Orlando Letelier, and under this picture it says:

I was born a Chilean; I am a Chilean; and I will die a Chilean.

They, the Fascists, were born traitors, live as traitors, and will be remembered as Fascist traitors.

He said that on September 10, I believe, in New York City, and they killed him on September 21 by blowing him up just a few miles from here.

There is another picture in my office of Ronni Moffitt, and under that picture it says:

Orlando Letelier was fighting the Junta in Chile. He had accused them of barbaric acts, and to prove that they were not barbaric they killed him and my daughter.

Murray Karpen wrote that about his daughter after she was blown up in that automobile in Sheridan Circle.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the amendment. The gentleman last in the well expressed the position exactly correctly. This is a question of a simple crime committed in the United States resulting in the death of a U.S. citizen as well as a Chilean national. It does not take a treaty for the United States to prosecute the crime, and, commonly, whether there is a treaty or not, another nation will deliver the accused party to the nation in which the crime was committed against its own national. It does not take a treaty. It is a recognized process of civilized nations to deliver criminals to the place where they committed their offense. This case does not involve anyone with diplomatic immunity. It is clearly the fact that a crime occurred. Of course, nobody can be held accountable for it until proved guilty, but the question is only the question of bringing those clearly accused and indicted for the crime to the nation in which the crime was committed. We do not need a treaty to take care of that question. The treaty can be a convenience, and the treaty should be respected by Chile, but there has been every evidence that Chile might not abide by it. If Chile will abide by it, there is no harm done by this amendment, but if Chile will not, then there is irreparable harm in not passing the amendment.

Chile is not asserting, of course, that the bombing committed in the United States was a political act by the Government of Chile.

Chile, by arresting the accused persons, is itself taking the position that an ordinary crime by persons acting individually occurred, or may have occurred, in the United States.

Why should we not proceed with the strongest efforts that this country can exert to bring those persons to justice in the United States?

I voted against the Korean proposition because it dealt with a question of diplomatic immunity. It dealt, patently and directly, with the question of whether or not the agent of a foreign government in this country and pursuing his activities under diplomatic immunity should be forced to come back to the United States to give testimony which might or might not involve any criminal act on his part.

Were these assassins in the United States under diplomatic immunity; were they representatives of the Government of Chile? Chile says they were not. I am willing to accept they were not. If they were not, they should be extradited to the United States and Chile should agree to extradition, whether or not there is a treaty, and they should be tried in this country.

The gentleman's amendment requires only that we not give military aid until Chile does that which every civilized nation is called upon to do, with or without a treaty.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to my colleague, the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, even in this country as between individual States, if a defendant does not want to be extradited to the other State, you have to go through formal proceedings.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield back to me, the gentleman from Iowa (Mr. HARKIN) is just assuring that if the normal proceedings do not result in agreement by Chile to deliver the accused parties, Chile will not then receive the benefit of military aid from the United States.

Mr. KAZEN. That I will agree with and go along with that proposition, but not with the fact that they should be returned automatically without going through the proper procedure.

Mr. ECKHARDT. Mr. Chairman, if I said that, I was wrong.

Mr. KAZEN. With or without a treaty is what the gentleman said, an extradition treaty; we do not do that even between the States in our own country.

Mr. ECKHARDT. All right; the gentleman apparently agrees with me then that if we do proceed with extradition and if they do not deliver these persons, the Harkin amendment will only have the effect of saying they do not get the military aid and only in that event. That is the way it differs from the previous amendment, which would have denied military aid under any condition.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Texas (Mr. ECKHARDT) is probably one of the most distinguished lawyers in this body, and I hesitate to take issue with him for that reason.

I suppose that few Members have been more outspoken than I on the question of human rights and against the proliferation of arms to governments that have shown little respect for basic human rights. Certainly, the regime in Chile qualifies as such a government. I do not know why, when the violent overthrow of the Allende government by the military dictatorship occurred, we did not review all the contracts with the Government of Chile and abrogate any and all agreements to send arms to that government. They are not being threatened by invasion by anyone. And so I voted a flat cutoff of weapons to Chile. The weapons will only be used by the regime to oppress their own people.

However, there is an extradition treaty, and we have no absolute proof that that treaty will not be complied with. I am one who voted against lifting the Turkish arms embargo in the form that we did it yesterday, because I happen to think it weakens the rule of law in international affairs. If we believe in the rule of law, then we should not try to do an end run on the Chile extradition treaty.

This amendment is not a good way to uphold the rule of law in international affairs. It would say, regardless of the fact that there is a treaty, whether there is or is not a court proceeding, no matter what the courts may do, that we are going to use the naked power to deny any of our weapons to the Government of Chile to force it to do our bidding without waiting for the legal machinery to function.

I do not think that that is in accord with the rule of law, and, therefore, much as I abhor the record of the present Government of Chile, much as I oppose any weapons being sent to Chile, I do not feel I can support this amendment.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I will be glad to yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, no one is trying to abrogate any kind of international law or treaty. All we are saying

is that until they turn over these people for a trial, no deliveries shall be made. As the gentleman from Texas (Mr. ECKHARDT) said, it has nothing to do with any kind of international law. We are just saying that until they do that, the pipeline will be shut off. When they do comply, then we will continue it.

I would like to make one other point, and that is that the Supreme Court in Chile hears matters of extradition. There is a law in Chile that if a Chilean citizen is arrested and there is a criminal process going on, the matter of extradition will not be heard until the criminal proceedings are concluded. There are indications that that might be happening in Chile. I do not know for sure, but there are indications that is what is happening.

I am sure the gentleman from Ohio (Mr. SEIBERLING) voted 2 years ago to cut off military arms to Chile.

Mr. SEIBERLING. I certainly did.

Mr. HARKIN. And we did vote to cut off military arms, but not pipeline shipments.

Mr. SEIBERLING. And we should have.

Mr. HARKIN. But the pipeline keeps going, and it is still going.

Mr. SEIBERLING. We should have cut that off, too.

Mr. HARKIN. But it is still going.

Mr. SEIBERLING. Having failed to do so, however, we should not now engage in this effort to detour around the very legal processes we should be trying to uphold. We should let the courts work, and if that miscarries and there is a breakdown, we can, I am sure, find appropriate means to influence the Chilean regime to hand over those who have been indicted for the heinous murder of Mr. Letelier and Mrs. Moffitt.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. HARKIN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SAVINGS PROVISION

SEC. 21. Enactment of this Act shall not affect the authorizations of appropriations and limitations of authority applicable to the fiscal year 1978 which are contained in provisions of law amended by this Act (other than sections 31(a), (b), and (d) of the Arms Export Control Act).

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLFF: Page 19, immediately after line 20, insert the following new section:

"SEC. 22. It is the sense of the Congress that the United States should be responsive to the defense requirements of Israel, and sell Israel additional advanced aircraft in order to maintain Israel's defense capability, which is essential to peace."

Mr. WOLFF. Mr. Chairman, I offer this amendment in the House for myself Mr. FASCELL, Mr. BROOMFIELD, Mr. BURKE, of Florida, Mr. GILMAN and Mr. BIAGGI. I would like to take this opportunity to speak in support of my amendment, which states:

It is the sense of the Congress that the United States should be responsive to the defense requirements of Israel, and sell Israel additional advanced aircraft in order to maintain Israel's defense capability, which is essential to peace.

A few months ago, the other body failed to pass a resolution disapproving of the "package deal" of advanced aircraft to Saudi Arabia, Egypt, and Israel. Since both Houses had to concur, the House of Representatives never got an opportunity to take a stand on this issue. The action of the administration, and the failure of the other body to disapprove of the sale to Saudi Arabia was widely reported to be a defeat for Israel. The other body has included a similar provision in their version of the international security assistance bill.

During the course of the congressional debate on this issue, President Carter indicated his willingness to make 20 F–15 aircraft available to Israel and to give "sympathetic consideration" to additional Israeli military requests, beyond those 20 F–15's. My amendment would show congressional support for the administration's statements on additional aircraft, besides the added 20 F–15's.

I believe that additional advanced aircraft for Israel is a must. The recent sale to Israel of 15 F–15 and 75 F–16 aircraft was much smaller than the Israeli request. In fact, the Joint Chiefs of Staff had originally recommended that Israel be provided with 125 F–16 aircraft to meet their defense needs. The recent sale was 50 planes fewer than the Joint Chiefs recommendation. Israel should at least have the number of planes which her security demands. Why have we failed to provide the number of planes which our own Joint Chiefs of Staff deemed necessary?

In addition, the recent sale of F–15 fighters to Saudi Arabia has substantially changed the picture of the military balance in the region. Israel should be provided with at least the 50 additional F–16 fighters which the Joint Chiefs recommended before the sales to Saudi Arabia and Egypt were realities.

The military balance in the region is undoubtedly one of the factors which brought about President Sadat's peace initiative last November. The Arab nations have wanted to and have tried repeatedly to destroy Israel. Without denigrating the actions of the Egyptian President, I feel that this move would not have been made had the Arab nations in concert felt that they could pursue their objectives through military means. The United States has reaffirmed the commitment to Israel's security many times, the most recent on the occasion of the 30th anniversary of Israel's founding, when the President reaffirmed our commitment to Israel's security "forever."

My amendment will send a message to the White House that the Congress feels that Israel's security must be fully maintained; and that the Congress supports the President's announced desire to consider providing Israel with additional aircraft, beyond the 20 F–15 aircraft to which he is already committed. This amendment will also show the world that the United States has in no way abridged her commitment to Israel's defense. While the United States should do everything possible to further constructively the process of peace, we must also make it abundantly clear that our support for the State of Israel is not on the wane.

The timing of this vote is also quite opportune. The peace talks are now stalled. Egyptian President Sadat has been confident of the readiness of the United States to pressure Israel to change her stand on many points, while remaining inflexible himself on many issues. While the United States should encourage the process of the negotiations, we cannot promote flexibility by one party and fail to demand the same of the other negotiator. Thus this amendment will show the strength of our continuing commitment to Israel, and put Egypt on notice that they must demand the same flexibility of themselves that they demand from the Israelis.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am pleased to join my distinguished colleague, Mr. WOLFF, in offering an important amendment to H.R. 12514, the International Security Assistance Act of 1978.

The amendment, which adds a new section to H.R. 12514, provides that it is the sense of Congress that the United States be responsive to the defense requirements of Israel, and sell Israel additional advanced aircraft in order to maintain Israel's defense capability, which is essential to peace.

I believe that the amendment will help to better provide our close friend Israel with military support that is fundamental to both its security needs and its confidence in negotiating with its Arab neighbors. Moreover, the amendment helps to enhance our Government's commitment to Israel and emphasizes the special relationship which the United States has had with Israel over the past 30 years.

Continued U.S. military support to Israel is especially timely, given the recent so-called Syrian police actions in Lebanon. Moreover, our support for Israel can better contribute to Israel's ability to negotiate a peace settlement in the Middle East while maintaining the security of its people and the strength of its nation.

Mr. Speaker, for these reasons, I urge the adoption of this amendment.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. WOLFF), which I am cosponsoring and

which states that it is the sense of Congress that the United States should be responsive to Israel's defensive needs for additional advanced aircraft.

Israel remains confronted with a critical situation where it is being asked to take significant risks with no real assurances that the outcome will be a lasting peace. History has shown that it is this issue of the future security of Israel that is at the heart of any Middle East settlement.

Because of the recent sale of sophisticated aircraft to Egypt and Saudi Arabia, the President and the Congress have a special obligation to work for peace and to end Israel's apprehension with a binding commitment to her security and through an adequate supply of sophisticated aircraft. Such a commitment is needed to deter renewed hostilities in the Middle East and to provide the security Israel needs to seek peace through strength.

It must be remembered that while Egypt recently embarked on an initiative for a peaceful settlement, other confrontation States such as Syria and Jordan have refused to even talk openly with Israel. Syria in fact has called for Sadat's overthrow as a result of his moderation. Furthermore, the more radical Arab States such as Iraq and Libya remain opposed to Israel's very existence and continue to build up massive Soviet-supplied arsenals.

By this amendment, let us demonstrate that the United States will not permit a weakening of Israel in order to meet Arab demands for concessions. Only a viable and secure Israel can convince the Arab States that accommodations, not confrontation is the only means of solving the Arab-Israel conflict.

Accordingly, I urge my colleagues to join in renewing our continued commitment to Israel's security by voting in favor of this amendment.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Chairman, I congratulate the gentleman for this amendment. I am privileged to be a cosponsor of it.

Mr. Chairman, I am pleased to join with Mr. WOLFF in offering this amendment expressing the sense of Congress that the United States must be fully responsive to the defense needs and requests made by the state of Israel.

In many respects what we are doing today is providing the House alternative to the regretable Senate decision to permit arms sales to Egypt and Saudi Arabia. Many felt and with good reason that these sales posed a great threat to the security of Israel. There was much concern in the Jewish community as well as many others and a distinct feeling that U.S. sentiments toward Israel were shifting.

Passage of this amendment should help to minimize these fears. The language is quite specific, it calls for the United States to be responsive to the defense needs of Israel especially with relation to the sale of additional advanced aircraft to help maintain their capability to deter attacks.

Let us not forget that the arms sale package included 50 F5E fighter bombers for Israel but more importantly 60 advanced F-15's for Saudi Arabia. This is a significant commitment of arms, one which could threaten the balance of power in the Middle East if converted as weapons against Israel.

These are tumultuous times in the Middle East.

The peace talks are stalled—some feel they are lost. The Secretary of State will be travelling this weekend to try and revive the flagging negotiations. For Israel our passage of this amendment will bring a new sense of security that the United States remains their strongest ally. The Israelis will see that there was not unanimity in the Congress in support of the arms sale which was bitterly opposed by Israel.

I trust my colleagues will reaffirm their support of Israel by voting for this amendment. It could hasten the road to peace and security for the war-weary nation of Israel.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Chairman, I have had an opportunity to study the amendment. Certainly the United States should be responsive to Israel's economic needs and defense needs, including the provision of advanced aircraft.

Mr. Chairman, we accept the gentleman's amendment.

Mr. WOLFF. I thank the gentleman.

Mr. WIGGINS. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I intend to support this amendment because it expresses my own personal point of view, and I think it reflects the national interest. However, I am disturbed that this amendment is likely to be passed without dissent and not one word will be mentioned by those who participated in the debate just concluded.

As the Members know, Israel participated in a wanton bombing of villages in Lebanon not too many months ago, in which innocent people were killed. I condemn that act on the part of Israel. But I do not believe that such an act should dictate American policy toward Israel and mandate as a proper response that Israel be denied necessary arms and other support.

But a different rule was applied with respect to Chile just a few moments ago.

I would hope that those defenders of human rights who spoke with such eloquence a few moments ago would stand up and rationalize their irrational position. It is inconsistent. The action taken by the House a few months ago is manifestly wrong.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

Mr. Chairman, I will say to the gentleman that there is certainly a distinct difference between an act between two nations as nations and an act of criminals in the United States murdering U.S. citizens. I think that is the rational distinction between the situations.

Mr. WIGGINS. It is rational, but it emphasized my point rather than the gentleman's point, in my opinion. It is far, far more egregious for a government to act in violation of moral standards than it is for isolated individual acts to act in a similar manner.

We chose a moment ago to punish a government because of individual acts. It would be more just if we would punish the government for governmental conduct. And it is governmental conduct which I protest in respect to Israel's acts in Lebanon.

Mr. ECKHARDT. If the gentleman will yield further, we did not punish a government for acts of individuals. We simply demanded that those individuals be subject to trial in the United States where the crime was committed.

Mr. WIGGINS. I assure the gentleman that these individuals are not the beneficiaries of military aid. It is the Government of Chile. And the decision of this House was to deny the Government of Chile military aid.

Perhaps others will stand up and make sense out of the senseless inconsistency between the two amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLFF: Page 19, immediately after line 20, add the following new section:

UNITED STATES RELATIONS WITH THE SOVIET UNION

SEC. 22. (a) The Congress finds and declares that a sound and stable relationship with the Soviet Union will help achieve the objectives of the Foreign Assistance Act of 1961 and the Arms Export Control Act, strengthen the security of the United States, and improve the prospects for world peace.

(b) Therefore, it is the sense of the Congress that the President, in cooperation with the Congress and knowledgeable members of the public, shall make a full review of United States policy towards the Soviet Union. This review should cover, but not be limited to—

(1) an overall reevaluation of the objectives and priorities of the United States in its relations with the Soviet Union;

(2) the evolution of and sources of all bargaining power of the United States with respect to the Soviet Union and how that bargaining power might be enhanced;

(3) what linkages do exist and what linkages should or should not exist between various elements of United States-Soviet relations such as arms control negotiations, human rights issues, and economic and cultural exchanges;

(4) the policies of the United States toward human rights conditions in the Soviet Union and how improved Soviet respect for

human rights might be more effectively achieved;

(5) the current status of strategic arms limitations talks and whether such talks should be continued in their present framework or terminated and renewed in some other forum;

(6) the current status of other arms control negotiations between the United States and the Soviet Union;

(7) the challenges posed by Soviet and Cuban involvement in developing countries and a study of appropriate responses and instruments to meet those challenges more effectively;

(8) the impact of our relations with the People's Republic of China on our relations with the Soviet Union;

(9) the impact of strategic parity on relations between the United States and the Soviet Union and on the ability of the United States to meet its obligations under the North Atlantic Treaty;

(10) United States economic, technological, scientific, and cultural relations with the Soviet Union and whether those relations are desirable and should be continued, expanded, restricted, or linked to other aspects of relations between the United States and the Soviet Union;

(11) the evolution of Soviet domestic politics and the relationship between Soviet domestic politics and its foreign policy behavior, especially towards the United States; and

(12) what improvements should be made in the institutions and procedures of United States foreign policy in order to ensure a coherent and effective policy towards the Soviet Union.

(c) The President shall report the results of the review called for by subsection (b) to the Congress not later than 90 days after the date of enactment of this Act.

Mr. WOLFF (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BAUMAN. Mr. Chairman, reserving the right to object, I want to ask the gentleman from New York a question. I believe this is the amendment which mandates a study of U.S. relationships with the Soviet Union?

Mr. WOLFF. That is correct. It is the the same amendment passed by the Senate.

Mr. BAUMAN. May I ask the gentleman whether this also covers economic and trade relationships between the countries?

Mr. WOLFF. That is correct.

Mr. BAUMAN. I thank the gentleman.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Chairman, I rise to offer an amendment to the international security assistance bill expressing the sense of Congress that the President review the current state of Soviet-United States relations. I urge my colleagues to support my amendment at this critical stage in the relations between the two superpowers, and I hope my amendment will receive the support of Members on both sides of the aisle who are as concerned as I am about the current state of relations.

I believe it is imperative that we send a signal to the Soviet Union that we are so concerned that we are undertaking a full-scale review of our Soviet policy and of the foundations and assumptions on which it rests.

The question for us to consider is, why are the relations between the United States and the Soviets in need of review? Allow me to summarize:

1. SOVIET ADVENTURISM ABROAD

I submit that there is a need for further evaluation of the challenges posed by the alarming involvement by the Soviets and their surrogates in Africa, the Mideast, and elsewhere. Coupled with this, we need to study appropriate policy responses and instruments to meet those challenges more efficiently.

2. HUMAN RIGHTS

No member of this House or informed American is unconcerned by the recent Soviet actions with respect to basic human rights. This deplorable situation with which we are confronted mandates that we re-evaluate our policies to determine what more we can be doing to further the cause of human rights in the Soviet Union.

3. STRATEGIC ARMS

My amendment calls for a review of the current status of the SALT talks to determine whether such talks should be continued in their present framework or terminated and renewed in some other forum.

4. ARMS SALES

The export of conventional arms by the Soviets is a destabilizing factor in international relations. My amendment calls for a thorough review of the current status of attempts to slow the sale and export of weapons to the underdeveloped nations.

5. PEOPLE'S REPUBLIC OF CHINA

This amendment calls for a thorough examination of the impact of our expanding relations with the PRC on our relations with the Soviet Union.

In short, my amendment seeks the following goals:

First. A revaluation of the objectives, goals, and priorities of the United States in its relations with the Soviet Union.

Second. A review of the evolution of and sources of all bargaining power this country has towards the Soviet Union.

Third. A review of what linkages do exist and what linkages should or should not exist between the various elements of United States-Soviet relations such as arms control negotiations, human rights issues, and economic and cultural exchanges.

Fourth. The establishment of the strongest bargaining position possible in negotiations with the Soviet Union.

Fifth. An insurance that Congress will be given sufficient input into the policy making process.

History has consistently shown that the Soviets are hard bargainers and that only if the U.S. bargaining position is based upon strength can the United States hope to use diplomacy as an effective tool. We do have some strengths, but they need to be explored and then more effectively exploited.

It is well known that détente is stalled. Either we must act to improve the situation or it will further deteriorate. In order for us to prevent further deterioration, a careful reevaluation of the U.S. policy must be made.

I urge Members to take this opportunity to show their concern at the current state of relations and vote for my amendment.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I would like to commend the gentleman for offering this amendment; on behalf of the minority accept it. I would like to say that I personally think this is a very fine amendment. As the gentleman is pointing out, we are seeing direct and indirect Soviet aggression in Africa and elsewhere. I think it is time we review the policies we have vis-a-vis the Soviet Union in a comprehensive way so that, if possible, we can come to a coherent policy, one that will hopefully be supported by Congress, the administration, and the American people. I commend the gentleman for offering the amendment.

Mr. Chairman, this amendment urges the President, in cooperation with Congress, and nongovernmental experts, to make a full-scale review of American-Soviet relations and to report to the Congress. I believe a reassessment of our relationship is badly needed—needed to send a signal to the Soviet Union, needed to develop a coherent consistent, and effective American policy toward the other superpower, and needed to help provide a better understanding of some important shifts in the nature of the Soviet challenge. I believe a report will help to provide a clear, public statement of our policy.

We are seeing massive direct Soviet intervention, through Cuban mercenaries, in Africa. There is a new wave of Soviet repression, unprecedented since Stalin's time, against dissidents and against those whose only crime is their wish to emigrate. We have been unable so far to secure an acceptable SALT II arms control agreement. For these reasons a reappraisal of our policy toward the Soviet Union is very timely.

It would send an important signal to the Soviet Union that the United States is seriously concerned about recent Soviet behavior—so seriously concerned that we find it necessary to review the basic premises on which past policies were constructed.

A review is desperately needed to help develop a sound and consistent American policy—one understandable to the Soviets, understandable to our allies, and, most importantly acceptable and understandable to the American people. The President has spoken very eloquently in the past on the need for broad public support as the basis for an effective foreign policy.

Today, our foreign policies, especially our policies toward the Soviet Union, enjoy neither the support of our people nor the confidence of our friends, nor

the respect of our adversaries and competitors.

It is very clear that our Soviet policies are not working. We are at a crucial juncture in our relations with the Soviet Union. The rapid deterioration of relations over the past few months threatens a full-scale return of the cold war. Part of the reason for the present problems, I am convinced, lies in a failure of the United States to set realistic priorities in its Soviet policies and to speak firmly, consistently, and with a single voice. A review of our policies in which the Congress and private experts participate, should help develop the kind of consensus on our priorities and the means of implementing them that is now so much needed. A report will help make our policies understandable to the public.

I also believe the review called for in this amendment is needed to develop appropriate strategies to deal with new dimensions to the Soviet challenge. In contrast to the past, the Soviet Union is able to project conventional military power, either directly or through Cuban mercenaries, into the developing world. As we have seen in Africa, it also has the will to do so. The United States has not yet found an effective means for dealing with it in the developing countries themselves. This should be carefully assessed.

In contrast to a decade ago, there is now strategic parity between the United States and the Soviet Union, and many experts believe the U.S.S.R. will be clearly ahead in the next decade. In the past, the United States has relied in part on its strategic superiority to help counterbalance Soviet conventional superiority in Europe. The impact of strategic parity and possible further worsening of the strategic balance on our ability to meet our treaty obligations in Western Europe, therefore, also needs very careful assessment and review.

The amendment also specifies numerous other aspects of our Soviet policies that are much disputed and require careful study and clarification. For example, on the issues of linkages, we find one major administration official has one position, and another has another position. On the question of bargaining leverage, there appears to be a fairly substantial number who believe that the expansion of economic and cultural ties have strengthened our bargaining power, but some experts believe American leverage has been substantially reduced by shifts in the military balance. We need a careful assessment of what bargaining levers we have, how to make the best use of them, and how to strengthen our bargaining position.

On the question of human rights, there has been a great deal of rhetoric, but the situation of dissidents in the Soviet Union has worsened rather than improved. We should be examining alternative approaches in this area.

There are a host of questions relating to the SALT negotiations.

Should they be explicitly linked to other aspects of American-Soviet relations or should they stand apart? Can the present negotiations lead to a beneficial verifiable, and genuinely significant SALT agreement, or have we locked ourselves into a framework from which little useful can possibly emerge? Is there an alternative approach to help assure a mutually beneficial result?

There is also the controversial question of "the China card". Is there a China card, and if there is one, how can it be best developed and used?

What is of most concern to me is that although we have many specialists on Soviet affairs in the Department of State, Department of Defense, and other agencies, no clear and definable strategy has emerged for dealing effectively with the many important issues in American-Soviet relations. The painstaking steps made over the past few years to try to establish a sound basis for American-Soviet relations appear to be fast crumbling. Soviet adventurism abroad and suppression at home are alarmingly increasing. The American people, according to recent polls are rightly and deeply distrustful of the Soviet Union. They rightly believe the United States must pursue a firm tough policy toward the Soviet Union. They also are very hopeful that some sound and constructive arms control agreements can emerge from SALT that will be in the interest of both powers.

Mr. Chairman, I believe the review and report contemplated in this amendment would provide an opportunity to develop a sound policy reflecting the desires and good sense of the American people. It is a clear, firm statement of our interests vis-a-vis the Soviet Union. I very much hope the amendment will be enacted and the President will proceed with the kind of review contemplated.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding. Basically, Mr. Chairman. the Department of State and the President keep our policy toward the Soviet Union under continual review. This amendment may not be necessary, but it does not do any harm.

Therefore, we are willing to accept the gentleman's amendment.

Mr. WOLFF. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MILFORD

Mr. MILFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILFORD: Page 19, immediately after line 20, insert the following new section:

REPORT ON REVIEW OF ARMS SALES CONTROLS ON NON-LETHAL ITEMS

SEC. 22. The President shall, within 120 days of enactment of this Act, report in writing to the appropriate committees of Congress the results of the review conducted pursuant to Section 27 of the International Security Assistance Act of 1977.

Mr. MILFORD. Mr. Chairman, my amendment would add a new section to the bill entitled "Report on Review of Arms Sales Control of Non-Lethal Items."

This amendment directs the President to review all regulations relating to arms control, with the purpose of defining those products which we sell as arms—items designed for destruction—and those products that are on the list only because they have military, as well as commercial, application.

I offered essentially this same amendment in May of 1977, and it was adopted. A similar amendment was adopted in the other body, and the conference committee stated that this report was expected within 120 days of enactment into law.

That conference report was adopted last July 21, over a year ago, and no such report has been forthcoming.

My amendment today is essentially the same as the one adopted here in May of 1977 and included in the conference report adopted in July of 1977, with one important difference. This time the amendment itself states that the report shall be forthcoming within 120 days of enactment.

Mr. Chairman, the need for this review and report are the same today as they were over a year ago when my first amendment was adopted.

The reason we need this review is that we are selling billions of dollars worth of goods overseas which are not arms in the sense that they are designed to cause death and destruction but which are classified as arms because of our own Government regulations.

For example, it is my understanding that perhaps only one-third of what we classify as "arms" sold overseas are actually lethal weapons designed to cause death and destruction.

Perhaps another one-third is in the form of spare parts for these weapons or in the form of services which might or might not be for weapons.

A final third would come in a gray area of commercial items which have both military and nonmilitary uses.

I believe we got ourselves into this situation for two reasons.

One is our good intentions.

Since the enactment of the Mutual Security Act of 1954, Government regulations controlling the export of munitions have been repeatedly amended in a piecemeal fashion, to the point where they are obscure and are no longer directly responsive to the central issue. I think all of us in Congress are acutely aware that once a regulation is promulgated, it is awfully difficult to get it depromulgated.

A second reason why we face this problem is the rapid rate of our development of technology. Today's high technology item is often old-fashioned tomorrow, literally. Many of these technical items should be taken off our sensitive lists long before they are, but, the list keepers are bureaucrats with little, if any, technical expertise.

My amendment very simply asks that we truly mean arms when we say "arms." This would keep us from unfairly identifying ourselves as "merchants of death" when so much of our so-called "arms" exports are in fact useful, nonlethal, peaceful goods. Providing a country with those items which

strengthen their economy and stabilize their position in the international community is a peaceful and humanitarian endeavor.

I submit that we need many definitions in this sphere: What are arms? What is advanced technology? Who defines the legitimate needs of a sovereign nation?

Let me give you a good example where our humanitarian enthusiasm has boomeranged and burdened good, peaceful, safe, humanitarian products in common use around the world with the "arms" stigma.

Inertial navigation systems, in common use by the world's airlines, are now classified as munitions and require special State Department license when they are sold as a part of commercial aircraft. Inertial navigation contributes enormously to the safe and efficient flow of peaceful civil traffic. By what tortured reasoning do we inhibit or deny free access to that technology?

There are other dramatic examples of this same kind of reasoning:

The C–130 transport aircraft sold for any use whatsoever is considered a lethal weapon under current practice.

Satellite communications systems built in this country and launched from this country under contract to a foreign country, but never physically delivered to that foreign government, are on the munitions list.

It is these items and many others like them which I sincerely hope could be reclassified off the "lethal weapons" list and onto some other list where they more truly belong.

I would strongly urge each of you to vote "aye" on this amendment.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, the gentleman from Texas has shared his amendment with the Members on this side of the aisle. It is similar to an amendment the gentleman had last year, and we accept it.

Mr. MILFORD. I thank the gentleman.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, the minority has examined the amendment. We have no objection to it.

Mr. MILFORD. I thank the gentleman very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. MILFORD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: Page 19, immediately after line 22, insert the following new section:

TESTIMONY OF KIM DONG JO

SEC. 24. Until such time as the Committee on Standards of Official Conduct of the House of Representatives announces that Kim Dong Jo, the former Ambassador of the Republic of Korea to the United States, has given testimony to that Committee in the investigation it is conducting pursuant to H. Res. 252 of the Ninety-fifth Congress—

(1) no funds authorized to be appropriated by this Act may be used to provide assistance for the Republic of Korea; and

(2) the authority granted by section 19 of this Act may not be exercised.

Mr. LAGOMARSINO. Mr. Chairman, I reserve a point of order against the amendment.

(By unanimous consent Mr. JACOBS was allowed to proceed for an additional 5 minutes.)

Mr. JACOBS. Mr. Chairman, this amendment was prepared yesterday and several copies were given to me this afternoon, a little while ago. I supplied the majority manager's table with one copy and the minority manager's table with two or three copies.

About 14 minutes ago a telephone call came to my office from an individual identifying himself as a reporter for the Korean Times. He informed my assistant that a Congressman had informed him that I was preparing an amendment dealing with military aid to South Korea.

That amendment was not released to the press from my office. I do not know what the procedure here in the committee is. I do not know who made that information available to the Koreans. I do not know why.

The reporter further asked that any cosponsors of the amendment be identified. Of course, he was told in our procedure we do not cosponsor amendments in this committee.

For the last 2 or 3 weeks, whether in Indianapolis or in Washington, I have had an unusually high number of requests from constituents to participate in some further effort toward a house cleaning in the Korean scandal question. I have been asked over and over: Is the Congress not going to do anything effective to get the testimony that Mr. Jaworski says is the last element, necessary element, to conclude the investigation of the Korean scandals? And so that is the question: Is the House of Representatives, is this committee, going to do something effective?

The resolution dealing with Public Law 480 aid to South Korea is in my judgment, and I think in the judgment of many others, not effective.

I have raised the question many times and in many places and I raise it here again: Why should a dictator care if we cut off food to his people so long as we send arms with which he can keep them in line?

The military aid is the mother lode in this situation. And I think the record ought to show that those who voted to cut off the food to the people of South Korea ought not be telling any of their constituents that they are sincere and that they really want to have this man come some way or another, by some arrangement, before our committee and give the testimony which the chief counsel says is indispensable to the administration of justice.

I hear it said that we are dealing with a sovereign nation and it ill behooves a fellow nation to order, to demand, to issue ultimatums to a sovereign nation. And I think that is correct.

However, the prayer does not read:

Give them this day their daily lead.

Nor is it correct to say and use the possessive, that it is their lead, their military equipment. It is our military equipment. It is paid for by the taxpayers of this country and we are under no obligation whatsoever.

If anybody is under any obligation to anybody at this point in history it would seem to me the Republic of Korea is under obligation to the United States. The United States has made a few sacrifices for that government, always in the name of freedom, always in the name of protecting freedom in a land where there is no freedom to protect.

They are perfectly at liberty to withhold this vital evidence, which goes to the very heart of our legislative process, our judicial and governmental processes in this country, and our investigation as to what extent it may have been corrupted and how it may have been corrupted. But if they have every right to withhold that evidence, then we have every right to withhold our largesse.

Now I repeat: If the House of Representatives, if this committee, wants to have the testimony of this individual, this will get the testimony of the individual, and the South Korean Government will not have to give up one ounce of American arms or lead.

All they need to do is to return one little meaningful favor for the thousands and thousands of "dead" favors that the United States has rendered to that government, again in the name of freedom, through those who fought in that Korean war, and they might as well know it, that they either wasted their lives or their time or their injuries, because the greatest betrayal of all of that sacrifice is the pure fact that there is no freedom in that land today. It is our option. If we want to have the testimony then this is the route to get it. Other slaps on the wrist and other suggestions of withholding food will not do it, and everybody else knows it.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California (Mr. LAGOMARSINO) insist on his point of order?

Mr. LAGOMARSINO. I do, Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LAGOMARSINO. Mr. Chairman, I say the amendment is out of order under clause 7, rule XVI, as being nongermane to the bill and outside of the scope of the bill. It is outside the scope of the bill, because the bill relates to military assistance.

Further, Mr. Chairman, I would like to quote clause 28, section 24.9 from Deschler's Procedure:

To a bill authorizing funds for foreign assistance, an amendment holding in abeyance, "until 90 days after the final settlement of hostilities . . . in Vietnam," all foreign assistance under the Foreign Assistance Act, was ruled out as not germane.

Further, in that same clause, section 24.11:

To a bill authorizing funds for foreign assistance, an amendment making such aid

to any nation in Latin America contingent upon the enactment of tax reform measures by that nation was ruled out as not germane.

I submit, Mr. Chairman, that to time the sanctions of this amendment to such a time as Kim Dong Jo testifies is similar to and right on all fours with the sections I have just read.

The CHAIRMAN. Does the gentleman from Indiana (Mr. JACOBS) desire to be heard on the point of order?

Mr. JACOBS. I do briefly, Mr. Chairman.

The CHAIRMAN. The gentleman will proceed.

Mr. JACOBS. Mr. Chairman, the language of the amendment deals with nothing more by its own terms than the contents of the instant legislation, No. 1 and No. 2, the amendment clearly is a related contingency with respect to and on all four corners with the funds authorized by this legislation.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from California (Mr. LAGOMARSINO) makes a point of order against the amendment offered by the gentleman from Indiana (Mr. JACOBS) on the point that it is beyond the scope of the committee bill. The Chair would like to point out that the committee bill does relate to military assistance, which this amendment directs itself to. Had the amendment been offered earlier in the reading, before the funds for South Korea were before the committee and prior to the adoption of the various amendments in the Committee of the Whole, including the amendment offered by the gentleman from Iowa (Mr. HARKIN) which placed a condition upon funds being authorized under this act, then the point of order might have been viewed differently. However, the contingency expressed in the amendment does relate to the relationship between this country and the South Korean Government and specifically to the point of information relating to future furnishing of U.S. military assistance to that nation, so that the Chair is constrained to overrule the point of order.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me simply say that this amendment would prohibit military assistance to Korea or the transfer of equipment to Korea, in conjunction with the withdrawal of U.S. ground forces, until former Korean Ambassador Kim Dong Jo has given testimony to the House Committee on Standards of Official Conduct. This would affect a program of $275 million in foreign military sales credit funds—$275 million for military equipment for Korea would be denied—as well as the $800 million equipment transfer.

Mr. Chairman, the House on June 22 already voted, 273 to 125, to adopt the Wright amendment to the Agriculture Appropriation Act to eliminate some $56 million in Public Law 480 food aid for Korea to encourage Korean Government cooperation with House investigations.

The House leadership indicated during the debate that it would not attempt to make additional cuts in military assistance for Korea, nor reduce any assistance or collateral program of any nature or description which would be vital to the maintenance of the territorial integrity of the Republic of Korea or vital to the interests of the United States.

The FMS credits are required for Korea to improve its defense capabilities during the period of growing North Korean strength. The $800 million equipment transfer will preserve a balance of force during the period of withdrawal of the 2d Infantry Division.

These programs are, therefore, both needed for continued improvement of Korean forces and to maintain military stability on the Korean peninsula. To deny such assistance would seriously endanger the security of Northeast Asia. To deny that assistance would, indeed, hamper and run counter to our own national security interests.

Therefore, Mr. Chairman, I hope that the amendment will be defeated.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, the gentleman has stated precisely why we will get the testimony from Kim Dong Jo if this amendment is adopted, because they do need the aid or think they need the aid. If they think they need it, they will get us the testimony.

Mr. ZABLOCKI. I think it has been made very clear in the past that the more presure we put upon the Government of Korea, the less the chances are that we will get Kim Dong Jo.

I might say that what we must keep uppermost in our minds, Mr. Chairman, is what is, indeed, in our own national security interests; and I think by this amendment we will be hurting our own national security interests.

Again, Mr. Chairman, I urge the Members to vote "no."

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think this is an understandable, but utterly irresponsible amendment.

I can sympathize with those Members of the House who believe we ought to make every conceivable effort to get to the bottom of the so-called "Koreagate" scandal. However, I think that for us to engage in a game of "diplomatic chicken" when the most vital security interests of the United States hang in the balance would be to engage in a truly irresponsible action on our part.

Mr. Chairman, the fact of the matter is that Japan, which is our closest and most important ally in the Western Pacific, has taken the position that the security of South Korea is essential to the security of Japan.

Were we to terminate all of our military assistance to South Korea, at a time when there is an existing conventional military imbalance on the Korean peninsula, which gives North Korea more military power than South Korea, it would create not only the very real possibility of another conflict on the Korean peninsula itself, but it would call into question in the minds of the Japanese the credibility of the American commitment not just to South Korea, but to Japan as well.

Mr. Chairman, I find myself in a somewhat anomalous and paradoxical position of having opposed the Stratton amendment, which was offered yesterday, because I truly believe that it is in our national interest to pursue the policy which was begun by President Carter of withdrawing our ground combat forces from South Korea, while simultaneously providing the South Koreans with the additional military hardware and equipment they need in order to be able to defend themselves, while today I must oppose the Jacobs amendment which would result in the automatic termination of all of our military assistance to South Korea.

Mr. Chairman, I oppose the Jacobs amendment, first, because were we to terminate that assistance, it would immediately call into question the viability of President Carter's policy of gradually withdrawing our ground forces from South Korea. I do not believe the President could responsibly continue that policy if we cease to provide any additional military assistance to South Korea. Furthermore, I think that were that policy to be halted, it would be most unfortunate in terms of our own national interests, because it would mean that if at some point in the future another war did break out in Korea, American ground forces would automatically and gratuitously be involved in that conflict.

On the other hand, if we do gradually withdraw our ground forces, there is no reason in principle, so long as we continue to provide South Korea with the additional military assistance it needs in order to be able to defend itself, why we should not be able to withdraw our ground forces from South Korea.

The gentleman from Indiana (Mr. JACOBS) assumes that if we adopt this amendment, the South Koreans will comply with the request to produce Kim Dong Jo, but can he be certain? Can any Member of this House be certain that in that kind of dramatic diplomatic confrontation the South Koreans will yield, and if they do not yield, if they feel that as a matter of pride, or for whatever reason, they are unable to acquiesce to that demand, are we truly prepared to second a signal to Kim Il Sung that, no matter what he may do, we are not going to provide any more military assistance to South Korea? Are we prepared to say to the Japanese, who have relied on our commitment to them, that we are not prepared to provide any more assistance to the South Koreans even if, as a consequence, they lose faith in our commitment to Japan? And are we really prepared to face the possibility not only that another war may break out in South Korea with catastrophic consequences for the people of that country, but that ultimately South Korea may be absorbed by North Korea?

I was in South Korea several months ago, and I discovered a fascinating thing.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. ECKHARDT, and by unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. In virtually every country in the world where there is a repressive regime, where we are providing assistance to the government of that country, the dissident and democratic forces in that country without exception prefer us to terminate our assistance so that we can undermine the political stability of that regime. But in South Korea virtually all of those individuals who are opposed to Park Chung Hee want us to continue providing assistance to South Korea because however much they object to President Park, they are even more afraid of Kim Il Sung, and the possibility of a North Korean takeover of South Korea.

So for all of these reasons I say to my colleagues in the House, let us by all means make every effort to produce Kim Dong Jo. We need his testimony. We should not give up on the Koreagate investigation, but let us not take a reckless action which could ultimately lead us down the path of disaster for Korea, for Japan, and for our own country as well.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

I want to compliment the gentleman for a very accurate analysis of the situation and agree with him entirely that we should vote no on this amendment.

I might say, however, that I feel that the gentleman from Indiana (Mr. JACOBS), has pointed out a peculiar anomaly, that is, the House having voted to withhold food aid and is in a peculiar position in not being willing to apply the more stringent sanction of withholding military aid. I do agree with the gentleman from Indiana (Mr. JACOBS) that pressure on people is not necessarily going to result in a response from government; that withholding food is not as compelling on the Korean Government as is withholding military aid. But I shall vote against the Jacobs amendment—and I also voted against the original amendment. I think it is too risky to threaten to weaken South Korea's military defenses as a means of impelling South Korea to waive its assertion of diplomatic immunity.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. VOLKMER, and by unanimous consent, Mr. SOLARZ was allowed to proceed for 3 additional minutes.)

Mr. SOLARZ. I further yield to the gentleman from Texas.

Mr. ECKHARDT. We were not involved with a matter of diplomatic immunity in the Chilian case, nor were we there involved in a situation where a nation was threatened by her neighbors, as in the Korean case.

I thank the gentleman for yielding.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Missouri.

Mr. VOLKMER. I appreciate the gentleman's yielding. I appreciate his comments, but I would like to carry the situation one step further as to where we are.

I am not on the Ethics Committee, even though I try to keep up with it, but my understanding is Mr. Jaworski is saying, "Goodby, farewell. Kim Dong Jo is not coming, and we are not going to get his testimony."

Does the gentleman have a suggestion as to where we go if we do not adopt this amendment, because I understand the Senate has put the money back in for food, and it will probably pass, and nothing will be done, and Korea will continue this next year with getting the full amount that they desire and need, and Kim Dong Jo will have stayed over in Korea, and we will never hear anything. What do we do?

Mr. SOLARZ. I wish I had an answer to the gentleman's question. I am not a member of the Ethics Committee. I do think we have to do something above and beyond what we have already done. I am prepared to consider any responsible action which holds forth the possibility of producing the testimony of Kim Dong Jo, but I do not believe that the amendment before us today is a responsible way of proceeding, because there is no guarantee it will produce the results, and if it does not, we will have ended up with a situation where we have cut off our nose to spite our face.

And the people of our own country, the people of Korea, and the people of Japan, will have potentially paid a terrible, terrible price in the process.

Mr. VOLKMER. Mr. Chairman, if the gentleman will yield further, are we not also telling any other country and the ambassadors then of any other country that in the event they should find those in Congress that are willing to accept funds for favors and in the event they do such and then go back home, that they do not have to worry about it?

Mr. SOLARZ. I do not think we are saying anything of the sort. I think the Congress has already voted, at least the House of Representatives has, to cut off Public Law 480 assistance to South Korea. We passed several resolutions expressing our concern. The refusal of Kim Dong Jo to testify has created serious political problems for South Korea in the Congress. There may be other actions we can undertake. This matter is not over. We are going to pursue it. But let us pursue it in a responsible way.

Mr. VOLKMER. Mr. Chairman, if the gentleman will yield further, I just wish we had a way to proceed to get Kim Dong Jo. Right now I do not know the way and I do not believe the gentleman does and I do not believe anybody else does.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

(At the request of Ms. HOLTZMAN, and by unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. Mr. Chairman, I will yield in just one second.

Mr. Chairman, I just want to say in conclusion that I cannot believe it is beyond the wit or the imagination of the Congress to come up with some alternative strategy which may produce the result, but will not jeopardize the security of a country which has been allied with us for over 30 years and ultimately our own security as well.

I yield to the gentlewoman.

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman made a very eloquent speech, but I think there was a fallacy of logic in the gentleman's comments. Basically, the objection of the gentleman from New York (Mr. SOLARZ) to the amendment of the gentleman from Indiana (Mr. JACOBS) was that it would involve an enormous risk, because South Korea could say, "OK, we would prefer not to get any military aid and prefer to risk our security rather than turn over Kim Dong Jo."

Well, if South Korea is willing to risk its survival to keep the truth from this country, what kind of will does it have to survive? What kind of will does it have to fight the North Koreans? How can we possibly rely on them to defend themselves?

If South Korea wants to jeopardize its survival over this person—and I would say it is a very unlikely possibility—I would say to the gentleman that we have no hope that they will have the resolve to fight against North Korea and, therefore, that the military aid is absolutely useless.

Mr. SOLARZ. Mr. Chairman, I do not believe, I must say to the gentlewoman, that the South Korean Government wants to jeopardize the security of their own people.

Ms. HOLTZMAN. Then they will surely turn over Kim Dong Jo if we threaten to cut off their military aid.

Mr. SOLARZ. But when you get involved in a game of diplomatic chicken, you cannot tell what will ultimately happen, and if they make the wrong decision, it is not just the 34 million people who live in South Korea, whose lives and future are at stake, it is also our own policy in the Western Pacific.

I am simply not prepared to run the risk that they may say no. I am not prepared to risk sending the wrong signal to Kim Il Sung.

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I share the frustration of some of my colleagues over the intransigence of the Korean Government, and I personally see it as most unacceptable. The gentleman from New York has spoken most eloquently and accurately on this matter.

One of the basic reasons I personally support security assistance for South Korea is because it seems to me that if we can give this kind of support to countries that are important to us or to whom we have commitments so that they are able to defend themselves, we lessen the chance that ever again American ground forces will be involved in a land war in

Asia. The last thing I would like to do is to do anything that might contribute toward that end result.

I am concerned about the welfare of our own forces in Korea and of the young men in our armed services elsewhere whose safety and whose lives could be jeopardized by this kind of action by the Congress.

Mr. Chairman, I wish we could find some way to persuade the Koreans to do what is right in this matter, but this is the wrong thing, and I hope the House will defeat this amendment.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, there are some of my colleagues who feel that our security assistance to Korea should be used as a lever to pry additional testimony from Ambassador Kim Dong Jo.

While I feel strongly that Kim Dong Jo should respond forthrightly to the questions now being asked of him, I feel equally strongly that this unfortunate affair cannot be linked to the questions being debated today. As you have heard, the United States is providing security assistance to Korea, because we believe that our own national security is involved in maintaining a strong defense in the Korean peninsula. Thus any attempt, however well intentioned, to withhold security assistance would be detrimental to our own national interests.

In addition, I think I must point out that Kim Dong Jo is protected by the Vienna Convention on Diplomatic Relations to which the United States, South Korea, and many other countries are signatories. Under the terms of the convention he is protected from having to testify in the United States on matters which relate to his duties and actions while he was his country's ambassador to this country. Attempts to force him to testify could very well have serious implications for our ambassadors abroad. I would find it difficult to believe that anyone here is prepared to argue that our Ambassador in Rome, not to mention Moscow, should respond to similar pressures.

Mr. Chairman, as you know, other efforts are at work to get at the information held by Kim Dong Jo. It is not appropriate for us, at this time and in the course of this debate, to link those efforts to secure his testimony to the question of security assistance.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. Unlike some of the other speakers who have also opposed this amendment, I voted to cut off food aid and economic aid to South Korea. I also at that time voted against the amendment that would have cut off military security assistance. I think there is a big difference between economic and military assistance.

I think it was perfectly proper for us to send the South Korean Government the message that we did on that vote on the food aid. We were saying, "We are disturbed about your failure to cooperate in obtaining testimony from former Ambassador Kim Dong Jo." At the same time, however, we were saying that we were not going to cut off our security assistance; we were still going to stand by our treaty commitments with South Korea.

We were, therefore, not sending a message to North Korea that—'Hey! Maybe this is a good time for you to probe around and try something."

It has already been pointed out that everyone in the East and in the Pacific is concerned about what we will do vis-a-vis Korea. Japan is extremely concerned, and all the countries in Southeast Asia are very concerned. I think we would be sending exactly the wrong message at the wrong time were we to do this.

They say that we should learn from history. There is a history here. We have been through this. This is nothing new. Back in the late forties it was declared by our Government that we were no longer interested in South Korea, and we all know what happened then, an invasion by North Korea. I think there is a very good possibility, if not a probability, that something might well happen again were we to take that same kind of action here today.

So, Mr. Chairman, I urge my colleagues to vote against this amendment.

Mr. WEISS. Mr. Chairman. I move to strike the requisite number of words.

Mr. Chairman, I am pleased to support the amendment offered by the gentleman from Indiana (Mr. JACOBS). I think that the House, too, ought to be pleased to have this amendment before us for our joint support.

It takes no particular bravery to vote for the kind of sham amendment that the House adopted a few weeks back when we took something like $70 million or $90 million of the food for peace program away as an indication of how committed we really were to stand up for the integrity of the U.S. House of Representatives. It was almost like two people being in a fight and one saying to the other, "If you don't do what I want, I am going to hurt a third person."

The amendment that is before us has some substance, it has some real meaning, and it has some real significance to the Government of South Korea. If, in fact, the membership of this body is as concerned as it has suggested it is about the affront to its integrity by the failure of South Korea to make Mr. Kim Dong Jo available for testimony in this country, then I think we ought to adopt this amendment. Otherwise what will happen is that with all our protestations of our purity, our virtue, and our integrity, Mr. Jaworski will in fact pack up his bags and go home, and forever and ever the reputation of this House is going to be in doubt as to whether we really were serious about getting that testimony.

Now is the time for action, and perhaps it is the last chance we will have. It should not be for us to be heard after the fact that it was all the Koreans' fault. It is not just the Koreans fault. We have it within our own means to get that testimony, and this is the way to do it.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Indiana.

Mr. JACOBS. I thank the gentleman for yielding, and I wish to thank the gentleman for his comments.

Mr. Chairman, I simply point out that in almost every case in our foreign aid, as long as I can remember, it has been based on the fact that "these are our dearest allies, these are our loyal friends."

The question comes to mind which emulates the old military question: "What is a friend for if you cannot bribe him?"

If they are such good friends of ours, why is all of this taking place?

Maybe they are not such good friends of ours. But if they are good friends of ours, they ought to help clear this bribery question up. And bribery is the thing that distinguishes this situation from the others we have discussed this afternoon.

Mr. WEISS. I thank the gentleman for his comments. I think they are very, very well taken.

Mr. Chairman, I would assume that the House is as concerned this year as it appeared to be last year and earlier this year about its reputation. And if it is, I would hope we would have an overwhelming vote in support of the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken; and on a division (demanded by Mr. WEISS) there were—ayes 13, noes 27.

Mr. JACOBS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Indiana (Mr. JACOBS) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic de-

vice, and there were—ayes 147, noes 257, not voting 28, as follows:

[Roll No. 633]

AYES—147

Abdnor	Frenzel	Nolan
Ambro	Garcia	Nowak
Ammerman	Gephardt	Oakar
Anderson, Calif.	Gilman	Oberstar
	Glickman	Obey
Andrews, N. Dak.	Gore	Ottinger
	Green	Panetta
Applegate	Hall	Patterson
Armstrong	Hannaford	Pike
AuCoin	Harkin	Pressler
Bafalis	Hawkins	Pursell
Baucus	Heckler	Quayle
Beard, R.I.	Heftel	Rahall
Bedell	Hollenbeck	Railsback
Bellenson	Holtzman	Rangel
Benjamin	Howard	Reuss
Blanchard	Hughes	Rhodes
Blouin	Ichord	Richmond
Boland	Jacobs	Rinaldo
Brademas	Johnson, Colo.	Roe
Brodhead	Kastenmeier	Rogers
Brown, Calif.	Keys	Rosenthal
Burke, Calif.	Kildee	Roybal
Burlison, Mo.	Kostmayer	Ruppe
Burton, John	Krebs	Russo
Burton, Phillip	Krueger	Ryan
Carr	Leach	Santini
Chisholm	Lehman	Scheuer
Cleveland	Lujan	Schroeder
Cohen	Luken	Schulze
Coleman	Lundine	Seiberling
Collins, Tex.	McCloskey	Sharp
Cornwell	Markey	Shuster
D'Amours	Marlenee	Skelton
Diggs	Mattox	Steers
Downey	Mazzoli	Stokes
Early	Meeds	Studds
Edgar	Metcalfe	Tucker
Edwards, Calif.	Mikulski	Udall
Eilberg	Mikva	Vanik
Emery	Miller, Calif.	Vento
English	Miller, Ohio	Volkmer
Ertel	Mineta	Walgren
Evans, Ind.	Minish	Walker
Fish	Mitchell, Md.	Wayman
Flippo	Moakley	Weaver
Florio	Moffett	Weiss
Foley	Mottl	Wylie
Forsythe	Murphy, Pa.	Young, Mo.
Fraser	Nedzi	

NOES—257

Addabbo	Conte	Goldwater
Akaka	Corcoran	Gonzalez
Alexander	Corman	Goodling
Anderson, Ill.	Cornell	Gradison
Andrews, N.C.	Cotter	Grassley
Annunzio	Coughlin	Gudger
Archer	Crane	Guyer
Ashbrook	Cunningham	Hagedorn
Ashley	Daniel, Dan	Hamilton
Aspin	Daniel, R. W.	Hammer-schmidt
Badham	Danielson	
Baldus	Davis	Hanley
Barnard	de la Garza	Hansen
Bauman	Delaney	Harris
Beard, Tenn.	Derrick	Harsha
Bennett	Derwinski	Hefner
Bevill	Devine	Hightower
Biaggi	Dickinson	Hillis
Bingham	Dicks	Holland
Boggs	Dingell	Holt
Bolling	Dodd	Horton
Bonker	Dornan	Hubbard
Bowen	Drinan	Huckaby
Breaux	Eckhardt	Hyde
Breckinridge	Edwards, Ala.	Ireland
Brinkley	Edwards, Okla.	Jeffords
Brooks	Erlenborn	Jenrette
Broomfield	Evans, Colo.	Johnson, Calif.
Brown, Mich.	Evans, Del.	Jones, N.C.
Brown, Ohio	Evans, Ga.	Jones, Okla.
Broyhill	Fary	Jones, Tenn.
Buchanan	Fascell	Jordan
Burgener	Findley	Kazen
Burke, Fla.	Fisher	Kelly
Burleson, Tex.	Fithian	Kindness
Butler	Flood	LaFalce
Byron	Flynt	Lagomarsino
Caputo	Ford, Mich.	Latta
Carney	Fountain	Lederer
Carter	Fowler	Leggett
Cavanaugh	Frey	Lent
Cederberg	Fuqua	Levitas
Chappell	Gammage	Livingston
Clausen, Don H.	Gaydos	Lloyd, Calif.
	Giaimo	Lloyd, Tenn.
Clawson, Del	Gibbons	Long, La.
Conable	Ginn	Long, Md.
Lott	Pepper	Steed
McClory	Perkins	Steiger
McCormack	Pettis	Stockman
McDonald	Pickle	Stratton
McEwen	Poage	Stump
McFall	Preyer	Taylor
McHugh	Price	Thompson
McKay	Pritchard	Thone
McKinney	Quillen	Thornton
Madigan	Regula	Traxler
Mahon	Risenhoover	Treen
Mann	Roberts	Tribie
Marks	Robinson	Ullman
Marriott	Rodino	Van Deerlin
Martin	Roncalio	Vander Jagt
Meyner	Rooney	Waggonner
Michel	Rose	Walsh
Milford	Rostenkowski	Wampler
Mitchell, N.Y.	Roussel.ot	Watkins
Mollohan	Rudd	White
Montgomery	Runnels	Whitehurst
Moore	Sarasin	Whitley
Moorhead, Calif.	Satterfield	Whitten
	Sawyer	Wiggins
Moorhead, Pa.	Sebelius	Wilson, Bob
Moss	Shipley	Wilson, C. H.
Murphy, Ill.	Sikes	Wilson, Tex.
Murphy, N.Y.	Simon	Winn
Murtha	Sisk	Wirth
Myers, Gary	Skubitz	Wolff
Myers, John	Slack	Wright
Myers, Michael	Smith, Iowa	Wydler
Natcher	Smith, Nebr.	Yates
Neal	Snyder	Yatron
Nichols	Solarz	Young, Alaska
Nix	Spence	Young, Fla.
O'Brien	St Germain	Young, Tex.
Patten	Staggers	Zablocki
Pattison	Stangeland	Zeferetti
Pease	Stanton	

NOT VOTING—28

Bonior	Fenwick	Mathis
Burke, Mass.	Flowers	Quie
Clay	Ford, Tenn.	Spellman
Cochran	Harrington	Stark
Collins, Ill.	Jenkins	Symms
Conyers	Kasten	Teague
Dellums	Kemp	Tsongas
Dent	Le Fante	Whalen
Duncan, Oreg.	McDade	
Duncan, Tenn.	Maguire	

Mr. HOLLAND changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAUMAN: Page 19, immediately after line 20, insert the following new section:

USE OF FOREIGN CURRENCY

SEC. 25. (a) Section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) is amended to read as follows:

"(b)(1)(A) Notwithstanding any other provision of law but subject to section 1415 of the Supplemental Appropriation Act of 1953—

"(i) local currencies owned by the United States which are in excess of the amounts reserved under section 612(a) of the Foreign Assistance Act of 1961 and of the requirements of the United States Government in payment of its obligations outside of the United States, as such requirements may be determined from time to time by the President; and

"(ii) any other local currencies owned by the United States in amounts not to exceed the equivalent of $75 per day per person or the maximum per diem allowance established under the authority of subchapter I of chapter 57 of title 5 of the United States Code for employees of the United States Government while traveling in a foreign country, whichever is greater, exclusive of the actual cost of transportation:

shall be made available to Members and employees of the Congress for their local currency expenses when authorized by the Speaker of the House of Representatives, the President of the Senate, the President pro tempore of the Senate, the Majority Leader of the Senate, or the Minority Leader of the Senate, and shall be made available to members and employees of a standing or select committee of the House of Representatives or the Senate or of a joint committee of the Congress for their local currency expenses when authorized by the chairman of that committee.

"(B) Whenever local currencies owned by the United States are not otherwise available for purposes of this subsection, the Secretary of the Treasury shall purchase local currencies for such purposes to the extent provided in annual appropriations acts.

"(2) On a quarterly basis, the chairman of each committee of the House of Representatives and the Senate and of each joint committee of the Congress shall prepare a consolidated report itemizing the amounts and dollars equivalent values of each foreign currency expended and the amounts of dollar expenditures from appropriated funds in connection with travel outside the United States, together with the purposes of the expenditures, including per diem (lodging and meals), transportation, and other purposes, and showing the total itemized expenditures, during the quarter of such committee, and of each member or employee of such committee, and shall forward such consolidated report to the Clerk of the House of Representatives (if the committee is a committee of the House of Representatives or a joint committee whose funds are disbursed by the Clerk of the House) or to the Secretary of the Senate (if the committee is a committee of the Senate or a joint committee whose funds are disbursed by the Secretary of the Senate). Each such consolidated report shall be open to public inspection and shall be published in the Congressional Record within ten legislative days after the quarterly report is forwarded pursuant to this paragraph. In the case of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, such consolidated report may, in the discretion of the chairman of the committee, omit such information as would identify the foreign countries in which members and employees of that committee traveled.

"(3)(A) Each Member or employee who receives an authorization under paragraph (1) from the Speaker of the House of Representatives, the President of the Senate, the President pro tempore of the Senate, the Majority Leader of the Senate, or the Minority Leader of the Senate, shall within thirty days after the completion of the travel involved, submit a report setting forth the information specified in paragraph (2), to the extent applicable, to the Clerk of the House of Representatives (in the case of a Member of the House or an employee whose salary is disbursed by the Clerk of the House) or the Secretary of the Senate (in the case of a Member of the Senate or an employee whose salary is disbursed by the Secretary of the Senate). In the case of an authorization for a group of Members or employees, such report shall be submitted for all Members of the group by its chairman, or if there is no designated chairman, by the ranking Member or, if the group does not include a Member, by the senior employee in the group. Each report submitted pursuant to this subparagraph shall be open to public inspection.

"(B) On a quarterly basis, the Clerk of the House of Representatives and the Secretary of the Senate shall prepare a consolidation of the reports received by them under this paragraph with respect to expenditures during the preceding quarter by each Member and employee or by each group in the case of expenditures made on behalf

of a group which are not allocable to individual members of the group. Each such consolidation shall be open to public inspection and shall be published in the Congressional Record within 10 legislative days of the completion of the consolidated report."

(b) Notwithstanding section 21 of this Act, the amendment made by subsection (a) of this section shall take effect on the date of enactment of this Act.

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD, since I am very familiar with it. It happens to be mine.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BAUMAN. Mr. Chairman, this is simply an amendment which solves a problem that has arisen as a result of a Department of Treasury ruling regarding the use of foreign currencies or counterpart funds by Members of Congress and their staffs in travel abroad.

The gentleman from Wisconsin (Mr. ZABLOCKI) was good enough to discuss this with me earlier this week. The amendment provides for annual appropriations of such currencies rather than free and unrestricted congressional access to counterpart funds. It also provides for a quarterly reporting mechanism so that the public will know what Congress is spending. It reforms a system that has apparently been used illegally because of the lack of legislative authorization for such payments for some years. I believe the gentleman from Wisconsin had intended to offer this himself and failure to do so was merely an oversight on his part, I am sure.

I yield back the remainder of my time.

Mr. ZABLOCKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Maryland has adequately explained my amendment. I have no illusion as to why he has been so helpful in introducing my amendment at this point. I am not sure I want to be thankful and appreciative of the gentleman's action; nevertheless, I will consider the gentleman's efforts as being in the best interests for the amendment.

Therefore, Mr. Chairman, I accept the gentleman's amendment, which happens to be my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. BAUMAN: On page 19, after line 20, insert the following new section:

SEC. 26. Section 533(d) of the Foreign Assistance Act of 1961 is amended by inserting the number "(1)" after the phrase "Section 533(d)" and by striking out the period at the end of the paragraph, inserting a semicolon, and adding the following:

"(d)(2) In furtherance of this section and the foreign policy interests of the United States, the government of the United States shall not enforce any sanctions against the government and people of Rhodesia before October 1, 1979, unless the President shall determine that (a) the transitional government of Rhodesia has not committed itself to negotiate in good faith at an all-parties conference held under international auspices on all relevant issues; and (b) the transitional government has made no definite plans for the holding of free and fair elections including all population groups under recognized international observation. This section shall take effect upon enactment."

POINT OF ORDER

Mr. DIGGS. Mr. Chairman, I rise to make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. DIGGS. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Maryland on the question of the germaneness, clause 7 of House rule XVI.

An amendment of this nature is subject to two tests of germaneness. First, it has to be related to the subject matter under consideraion; and second, the fundamental purpose of the amendment must be germane to the fundamental purpose of the bill. In my view, the gentleman's amendment fails both tests. With respect to the subject matter, as compared to the content of the amendment, we note that the amendment in no way really deals with grant military assistance or military training or foreign military sales or narcotics control assistance or economic assistance to Turkey or the various elements of the subject of this bill, H.R. 12514.

To the contrary, the fundamental purpose of the amendment is to lift existing economic trade sanctions against the Government of Rhodesia, an action not within the scope of the bill before us which has as its principal purpose the authorization of international security assistance programs for the fiscal year 1979.

In addition, the bill has other provisions which primarily relate to other kinds of bilateral U.S. assistance. It in no way addresses the issue of nonmilitary trade or economic trade sanctions in general, nor does it seek to apply or to lift such sanctions against any individual company, and it in no way addresses the issue of U.S. imports from any source.

May I just conclude, Mr. Chairman, by reminding the House that earlier, in consideration of this matter, the gentleman from Missouri (Mr. ICHORD) had a similar proposal, but upon finding out informally that a point of order would be sustained against it, he withdrew his amendment. This amendment, in my view, is very similar to that amendment.

Mr. Chairman, I think the point of order ought to be sustained against the amendment, based upon that analygous action and upon the other points I have already indicated.

The CHAIRMAN. Does the gentleman from Maryland (Mr. BAUMAN) desire to be heard on the point of order?

Mr. BAUMAN. Yes, I do, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BAUMAN. Mr. Chairman, the gentleman from Michigan (Mr. DIGGS) has correctly stated the basic rule that applies to any amendment to be offered to a bill, and that is under rule XVI, clause 7, any amendment must be germane to the bill before the Committee of the Whole.

However, the relationship of the amendment to the bill to be judged is to the bill as modified by all actions of the Committee of the Whole. If one applies the fundamental purpose test to the bill now before us, it is easy, I think, for the Chair to determine that while the fundamental purpose of the legislation does deal with military assistance to foreign countries, the bill, both as reported by the committee and as modified by the Committee of the Whole, goes well beyond the scope of that single purpose, and the bill has been broadened by amendment to the point where this amendment is in order.

I refer the Chair first to the bill, as reported. On page 2, in section 3, we find an amendment to the Foreign Assistance Act of 1961 which deals with International Narcotics Control. The pertinent section under International Narcotics Control, section 481 of the 1961 act, does not deal with military assistance but with international trade in drugs which, while illicit, is certainly commercial in character. Under that section, section 481, of the 1961 act, the President is given the power to suspend "economic and military assistance furnished under this or any other act" if the countries involved in the drug trade do not in fact live up to the standards set in the act. That is a commercial transaction over which the President has control.

I would refer the Chair further to the section of the bill dealing with assistance to Turkey, and that is on page 13 of the bill. Section 16 of the bill provides economic assistance to Turkey and not military assistance. It is conceded that this would have belonged in the previous economic aid authorization bill, but it was added to this bill, obviously broadening the scope of the bill at that point.

On the point of economic assistance to Turkey, I would refer to page 29 of the committee report, where it is stated that the specific economic aid given in the bill is under the International Development and Food Assistance Act, which, I believe, permits sales to foreign countries as well as outright grants. That is a commercial transaction and not a military assistance transaction.

I would call the attention of the Chair to an additional section of the bill, section 5, which allows assistance to police and other law enforcement agencies in foreign countries. On pages 14 and 15 of the report there are references to the section, as amended, which would affect principally commercial exports of munitions items. It requires reports of private commercial sales to be made to the State Department, and it transfers jurisdiction from the Commerce Department over this kind of commercial activity.

I refer the Chair to the Wolff amendment which was adopted today by the Committee of the Whole, a new section on page 19, line 20, in which the gentleman from New York offered an amendment that requires that the President conduct a full review of U.S. policy toward the Soviet Union, and this review will cover but is not limited to subparagraph (3) on page 1, "what linkages do exist," and so on, including, "arms control negotiations, human rights issues, and economic and cultural exchanges." And, further, in subparagraph (10), "United States economic, technological, scientific and cultural relations * * *"

In response to a question I put to the gentleman from New York, when he asked that the reading be dispensed with, he said it was his intent that his amendment cover all aspects of commercial trade with the Soviet Union.

Lastly, the Bauman-Zablocki amendment, if I may call it that, just adopted by the House, set up a system within the U.S. Treasury Department for the purchase of foreign currency to allow Members and their staff to travel abroad, not on military assistance matters necessarily, but on the usual international commercial and travel activities.

It is the contention of the gentleman from Maryland that the amendment before the House is germane since it amends the 1961 act and the amendment covers not only commercial and economic sanctions against Rhodesia, but specifically also covers military and security sanctions against Rhodesia.

I would refer the Chair to the action of the United Nations General Assembly, U.N. Resolution 232, adopted in 1966 which called upon all member states to prevent their nationals from shipping arms to Rhodesia.

Presidential Executive Order 11322, issued by President Lyndon Johnson on January 5, 1967, adopted the language of the U.N. resolution almost verbatim, and in the pertinent section, which is subparagraph (d), the order states:

* * * prohibition against * * * any activities by any person under United States jurisdiction which may promote or cause to be promoted any sale or shipment of arms, ammunition, military equipment, military vehicles, military aircraft * * *

So the amendment itself does not confine itself to trade, but also deals with matters of arms shipment, which the bill also deals with. And it is the contention of the gentleman from Maryland that, because of the cited sections of the bill and the amendments, that the amendment is germane.

The CHAIRMAN (Mr. FUQUA). The Chair has been aware of this amendment since the beginning of the debate on the bill and has been studying the amendment and other similar amendments as debate has proceeded on the bill.

The Chair might point out that the amendment comes at the end of the bill. While the bill, when it was reported from the Committee on International Relations, was primarily confined to bilateral security assistance and related policies, this bill, as perfected in the Committee of the Whole, has been significantly broadened in scope, as well as subject matter.

The bill now deals with the use of funds for travel expenses of Members and employees of Congress, as well as matters relating to security and economic assistance to other nations, furnished by this country.

The bill also now addresses the full range of our relations with the Soviet Union, including all trade and economic matters, and contains broad statements of foreign policy in relation to human rights abroad, relationships with Turkey, Greece, Cyprus, Chile, and Korea, and the actions which other countries must take in relation to their internal affairs in order to receive military or other assistance from the United States.

It therefore appears to the Chair that the amendment offered by the gentleman from Maryland is germane as a further direction on the use of our foreign assistance and on the operations of foreign relations, and for the reasons stated, the Chair overrules the point of order.

The gentleman from Maryland (Mr. BAUMAN) is recognized for 5 minutes in support of his amendment.

(By unanimous consent, Mr. BAUMAN was allowed to proceed for 5 additional minutes.)

Mr. BAUMAN. Mr. Chairman, there comes a time in the history of each nation that fundamental decisions must be made, a point which is commonly referred to in political parlance as a crossroads.

There is no question, at least in this Member's mind, that the attitude and policy to be adopted by our Government—of which we are a coequal branch—toward the Government and people of Rhodesia, soon to be Zambabwe, will be marked along with other nations' decisions throughout history as indicative of the fundamental purpose and direction we, as a nation wish to take in the future.

Even those with but a cursory knowledge of history remember the characterization of one city in Bavaria—Munich—as epitomizing a juncture in international politics when many nations, particularly Great Britain, made a determination about the problem that the then Government of Germany presented to the world. Ever after Neville Chamberlain's name will be associated with Munich and appeasement. We today have to make a decision about whether or not we are going to continue a policy in Africa which I believe has failed miserably, both in terms of preventing the spread of communism and in terms of guaranteeing the rights of all people of whatever race or creed or color, to have freedom and security.

The situation in Rhodesia today, which my amendment addresses, is very different from the one that existed even a few months ago. The Prime Minister of Rhodesia, Ian Smith, has yielded to pressures from without and pressures from within, and instituted a transitional government made up of four persons, Mr. Smith himself and three leaders of the black community, each of them representing a significant number in fact, the great majority of Rhodesians.

Some Members talked with Bishop Abel Muzorewa when he was here in Washington last week, and several weeks before that. Most people predict that he will probably be elected as the first head of the new Government. Joining him in that government at this time is Reverend Ndabaningi Sithole and Chief Jeremiah Chirau. All of these black leaders have called for an end to sanctions against Rhodesia because, as leaders of the black community, they are coequal partners in the transitional government and they support peaceful change. There exists a timetable adopted by this transitional government for the adoption of a constitution in October, and for elections in December, from December 4 to 6, with installation of the newly elected government by the end of the year.

This is an historic event in Africa; it is blacks and whites working together for the first time to bring about a peaceful transition to a democratically chosen government. Nowhere else on the continent has this occurred—nowhere. Instead of instituting a black dictatorship, one that will suppress the rights of its own people, we have the chance to assist by lifting these sanctions imposed by the United Nations and our Government. We have the chance to bring about the peaceful transition that I have just described.

Have no doubt about it, the Smith-Muzorewa-Sithole-Chirau government is in dire straits economically, militarily, internally; not because the people in their country are in any way opposed to what is happening—that approval will be decided in the election I have described—but because on the borders of Rhodesia, in Zambia and Mozambique, Communist-financed guerrillas, men who have made it clear that they have no desire for peaceful change in Rhodesia or Zimbabwe, are daily conducting murderous raids against the innocent white and black citizens of this nation. Thousands have died at their hands.

Pick up any news magazine for any week in the last 3 or 4 weeks and look at the grizzly pictures of what these guerrillas are bringing about in this troubled country. Both of the Marxist guerrilla leaders have made it very plain, Mugabe and Nkomo, that they do not wish any peaceful transition. One of them has referred to the blacks in the current Government as "Quislings," as "traitors," and has made it clear that Mr. Smith will be run up against the wall and shot, that those blacks who collaborate with him will also be dealt with in a like manner. These are the groups contending in this country and surely our national interests lie in those who seek peaceful change.

Against this background the Carter administration has chosen, along with the British Government, which may well not be in power many more months, to continue favoring the Communist guerrilla side at the expense of a peaceful and free transition. The reason they give for this stand is that normal diplomacy will work all this out, that the Government of the United States does not wish in any way to offend the so-called front line nations in Africa, all of which are dic-

tatorships, two of them Communist controlled, Mozambique and Angola. The Carter administration does not wish to give them any offense by taking the side of a government controlled by blacks and whites since it still has a link to the past when a white-only government existed.

I thought our foreign policy was supposed to be color blind. I thought the battle in Africa was to bring rights to people of any color, including any white minority that may remain in a country.

That is why this amendment is before the Members today. If this amendment is adopted it will be taken to conference with the other body, which already has adopted a variation on this question. I believe good will come out of it for the people of Zimbabwe and most importantly for the people of the United States, which ought to be our chief concern.

Under the terms of my amendment the U.S. Government would lift sanctions upon enactment of this bill. But the amendment would permit President Carter to reimpose sanctions if he determined two things: That the transition government has not demonstrated a commitment to negotiate in good faith with all the parties—and I would remind Members that the Communist guerrilla parties have rejected such conference up to this time, preferring to use the barrel of the gun—and, second, it allows the President to make a determination of whether or not the transitional government is set to hold free and fair elections, permitting international observation, with everyone participating.

That is the simple purpose of this amendment: To facilitate a remarkable transition to a democratically chosen government in a continent that for too long has been torn by war and bloodshed based on race.

The African colonial era is at an end and still left to be solved are the issues of South Africa and the Southwest African Territory, or Namibia, but we have a chance in this amendment, I think, to support a peaceful transition that can set a pattern in southern Africa and one that will redound to our benefit. I do not honestly understand how our Government or any Member of this body can in fact endorse what has been happening in Rhodesia as a result of guerrilla actions. This amendment will seriously impair that guerrilla activity and place great pressures on the guerrillas to come to the conference table. It will at the same time give a needed boost to the peoples of Rhodesia and Zimbabwe. I urge adoption of the amendment.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I commend the gentleman in the well for the statement he has just made and associate myself with his remarks.

I would point out to the members of this committee that the amendment of the gentleman from Maryland in no way interferes with the right of the President to conduct foreign policy. It is true that it provides for an immediate temporary cessation of the sanctions against Rhodesia until October 1, 1979. But it states that if the President decides that Rhodesia has not committed itself to negotiating in good faith with all parties, et cetera, those sanctions can continue.

As the gentleman in the well knows, I have an amendment which would provide for a different approach—a cessation of the sanctions after the new government is installed—but I would prefer if the House would adopt this amendment, that we have an immediate cessation, so I join the gentleman from Maryland in support of the amendment.

Mr. BAUMAN. I thank the gentleman from Missouri.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I commend my colleague, the gentleman from Maryland (Mr. BAUMAN), for his amendment and for the very intuitive statement he has made.

The CHAIRMAN pro tempore (Mr. MCHUGH). The time of the gentleman has expired.

(On request of Mr. ASHBROOK, and by unanimous consent, Mr. BAUMAN was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. Mr. Chairman, if the gentleman will permit me to proceed further, for whatever reason the original sanctions may have been imposed, whether it was right or wrong, whether in the heat of emotion, whether through reason, I think, as the gentleman from Maryland (Mr. BAUMAN) has so clearly pointed out, there is not a valid reason now. I opposed the sanctions from their inception as you know. The sanctions only encourage the intransigents, the radicals, and the guerrillas, those who would use terrorism and violence to prevail. The sanctions certainly do not help reason prevail. They compromise those who would sit down together, it would compromise whatever influence this country may have had in the past for these ill-timed sanctions. I think as the gentleman has so eloquently stated, those sanctions at this point in time only help those who would resolve their differences away from the negotiating table by the use of violence, by intrusion, by guerrilla attacks, by murdering missionaries, by using force in an area where we should have reason.

I commend the gentleman from Maryland (Mr. BAUMAN) for offering the amendment and for the statement he has made.

Mr. BAUMAN. Mr. Chairman, I thank the gentleman from Ohio (Mr. ASHBROOK) for the comments he has made.

Mr. Chairman, during the debate of this bill yesterday and today, I have kept a lexicon of terms used by Members on both sides of the aisle, among them protests, terrorists, murderers, bombers, blown to smithereens, barbaric action, and so forth and these concerns were expressed in a different context on different amendments. But if those concerns are real, then they should be real in every instance and no more true instance exists of that kind of brutality than has occurred in Rhodesia-Zimbabwe in the last year or two at the hands of those who are opposed to present policymakers.

Mr. ASHBROOK. Mr. Chairman, U.S. policy toward Rhodesia is absolutely disgusting. The Carter administration is supporting pro-Communist terrorists and guerrillas while turning its back on the moderate biracial government.

In March of this year, Prime Minister Ian Smith arrived at an agreement with three black leaders that provides for a transition to constitutional majority rule. The tribal blocks represented by these three leaders plus the group led by Ian Smith represent the vast majority of Rhodesians.

However, two radical black leaders with little popular support refused to lay down their arms and participate in the scheduled elections. They have engaged in terrorist activities, employing hit-and-run raids to kill innocent civilians. This was vividly demonstrated by the recent massacre of a dozen British missionaries.

Incredibly, the Carter administration has thrown its weight behind the guerrillas and terrorists. The administration continues to back economic sanctions against Rhodesia and refuses to recognize the moderate biracial government. At the same time it has provided aid to the African states that are helping the terrorists and guerrillas fight the government.

Following U.S. rejection of the internal settlement, State Department spokesman John Trattner stated:

> The Salisbury regime is an illegal regime. Therefore administrative arrangements it makes of that kind we are talking about are also illegal.

Unfortunately such ridiculous reasoning has been our policy toward Rhodesia from the beginning.

For 13 long years we have refused to recognize Rhodesia's independence. We have spurned her friendship and refused to give a helping hand. Instead we have joined the United Nations in imposing strict economic sanctions against Rhodesia on the ludicrous grounds that she constituted a threat to world peace.

Such a policy is hard for me to understand. It is détente with our enemies but a cold shoulder for those who would be our friends. President Carter is even willing to embrace terrorists and guerrillas rather than back a moderate anti-Communist government in Rhodesia.

I had the opportunity to visit Rhodesia soon after she declared her independence. Since that time I have repeatedly urged the United States to give Rhodesia a fair break. We have never given her that fair break.

Once again I urge that we give Rhodesia a fair chance to work out her own solutions to her internal problems. We should end our support for the terrorists. We should remove immediately the trade embargo against Rhodesia and throw our support behind the moderate internal settlement. I include two incisive statements which are along the lines developed by my esteemed friend, the gentleman from Maryland (Mr. BAUMAN) in his eloquent remarks.

KEVIN PHILLIPS,
CBS Radio Network, July 18, 1978.

I'm Kevin Phillips.

"Barbarous" is the best word to describe unofficial United States support of Rhodesia's Popular Front guerrillas—barbarous and unbelievable. Two hundred years ago, during the Revolutionary War, Americans bitterly condemned the British government for using Indians to terrorize the colonial frontier, butchering and mutilating women and children. Massacres like that at New York's Cherry Valley in 1778 still live in infamy.

But now, in Rhodesia, the United States has allied itself with similar terrorism. We do not support the moderate bi-racial regime which has scheduled democratic elections later this year. Oh, no. Instead, we quietly embrace terrorism. In the words of The Washington Post, and I quote, "American policy is tipped towards the guerrillas. The United States funnels aid to the front-line states sponsoring the guerrillas and enforces no-trade sanctions against Rhodesia."

The guerrillas, of course, are the people who have been making news recently with such good-hearted political frolics as the massacre of a dozen British Pentecostal missionaries. The women were raped and bayoneted. Lesser outrages are a daily occurrence. Moderate, responsible black Rhodesians simply can't believe what is going on. The Reverend Sithole, one of the bi-racial coalition leaders, said in a recent interview that U.S. economic sanctions against Rhodesia help keep the guerrilla war going. He expresses concern that the West is "coming to a state of moral bankruptcy."

There are other disturbing theories, too. One liberal newspaper columnist suggests that Carter Administration Africa policy has come under the influence of black power radicals—black Americans, unconcerned about bi-racialism or democracy, who want to implement black power goals in Africa that they were unable to achieve in the United States civil rights revolution.

Whatever the explanation, though, there is no excuse. It is absolutely intolerable that the United States is allied, even unofficially, with murdering pro-Communist guerrillas against the forces of multi-racial democracy. I don't know whether the West can still win in Rhodesia; it may already be too late. But let us, at least, remove the counter-productive trade embargo, proclaim our support for the multi-racial internal settlement, and end our gruesome association with pro-Communist guerrillas whose daily atrocities make a macabre joke of President Carter's human rights rhetoric.

This is Kevin Phillips for Spectrum.

I'm M. Stanton Evans.

The brutal terror that is occurring in Rhodesia these days begins to resemble what happened earlier in Vietnam. This time, however, the situation is potentially much worse, since the American government now is on the side of the terrorists. We are lending our support to the Soviet-equipped forces of Joshua Nkomo and Robert Mugabe, who conduct hit-and-run raids across Rhodesia's borders to slaughter innocent civilians.

The degree to which our policy is responsible for the debacle in Rhodesia is discussed by Allan Ryskind in the current issue of "Human Events." Ryskind has just returned from Rhodesia, and his discussion makes it plain that President Carter and Andrew Young are the parties chiefly to blame for the success of terrorist warfare against that country.

The key to everything else, Ryskind reports, is the system of economic sanctions imposed by the United Nations and honored by the United States. The embargo prevents exports, denies Rhodesia materials from the outside world, and causes unemployment and general discontent. And it isn't, of course, just the embargo.

In addition to this attack we have also permitted the terrorist Nkomo into this country but barred the moderate black Rhodesian leaders; we have tried to silence the tiny Rhodesian information office; and we have denounced the internal settlement pointing to eventual black majority rule. Our government says it won't go for a settlement unless it is acceptable to the terrorists, who want Rhodesia handed over to them on a silver platter, without the formality of a vote.

Against that backdrop, it's apparent that a solution to the Rhodesian problem is within our grasp: All we have to do is change sides. We need merely give support to the forces of anti-Communism and majority rule and remove it from the forces of Marxist terror and dictatorship. Since that is more or less what our official policy is supposed to be, why haven't we done it? The answer, it seems, is Andrew Young's conviction that anyone who has been a Marxist-supported terrorist can't be all bad.

Ryskind concludes that the simplest and best thing we could do to change the situation in Rhodesia is to lift the embargo. That is exactly what the Congress ought to do, and at the earliest possible opportunity.

This is M. Stanton Evans with Spectrum.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I want to commend the gentleman from Maryland (Mr. BAUMAN) upon the amendment he has offered and for the statement he has made.

Mr. Chairman, I had the privilege of meeting with Bishop Muzorewa when he was here early last year.

The CHAIRMAN pro tempore. The time of the gentleman has again expired.

(On request of Mr. LAGOMARSINO and by unanimous consent, Mr. BAUMAN was allowed to proceed for 2 additional minutes.)

Mr. LAGOMARSINO. Mr. Chairman, if the gentleman will permit me to continue, in answer to a question he said that the Patriotic Front, so-called, Nkomo and Mugabwe, had tried to make an arrangement with Mr. Smith, the then Prime Minister of Rhodesia, and that they had not been able to get what they wanted and they walked out.

It was his feeling that they were so upset that the Bishop and the others in the coalition government were able to put something together, that they, under no circumstances, are going to take part in it.

It seems to me that the gentleman's amendment goes in exactly the right direction. The Smith government has done exactly what we wanted them to do, at least what our past administration asked them to do. We should realize that at least in some degree we talk about elections and we leave this up to the President, the President can follow his advisors. I think it is a very good amendment, a good step and the amendment should be adopted.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I too want to join in commending the gentleman from Maryland (Mr. BAUMAN) for what I think is a very fair statement and a very rational explanation of what is really necessary.

I think there is a great deal of concern at the moment and certainly it was expressed recently in the Senate, that the position of the United States has been to come out very sharply with the terrorists and the guerrillas. I was deeply disturbed by the television performance that occurred last Sunday night under the aegis of Mr. Carl Rowan which clearly and precisely was biased toward the guerrillas, points up the very things that the gentleman from Maryland (Mr. BAUMAN) has been saying, that we are suggesting that only those who are going to be murderers and terrorizers are those that we would support.

Mr. Chairman, I think this action which the gentleman takes will help to even the balance needed and demonstrate that the efforts to try to achieve for the first time in Africa a government which represents the majority by peaceful means should be encouraged and should succeed.

Mr. Chairman, I commend the gentleman from Maryland (Mr. BAUMAN).

The CHAIRMAN. The time of the gentleman from Maryland (Mr. BAUMAN) has expired.

(On request of Mr. BONKER and by unanimous consent, Mr. BAUMAN was allowed to proceed for 2 additional minutes.)

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Washington.

Mr. BONKER. Mr. Chairman, I appreciate the fact that the gentleman from Maryland (Mr. BAUMAN) now supports the plan that will bring about transition to majority rule and that he, in effect, supports the internal settlement, which is a biracial process. However, I think it is also interesting to note that the gentleman in the well opposed efforts to place the sanctions on Rhodesia a few years ago when that matter came before this body.

Mr. Chairman, the question I have of the gentleman is that if we are on schedule and if there is a timetable that will bring about elections in that country, is it not premature to lift the sanctions now? It was the sanctions which really brought us this far. Without them, there would still be the Smith regime, so it seems to me that by precipitately lifting those sanctions we might cause much greater harm in the effort to bring about the ultimate goal of peaceful transition than if we were to take no action at all.

Mr. BAUMAN. Mr. Chairman, the gentleman asks a fair question. The simple answer is that the proposal adopted in the other body does not lift sanctions and will not end the guerrilla action of murdering and slaughtering people. Failure to end sanctions could result in-

stead in stepping up such action. The guerrilla leaders have made it plain that they will do everything, including the continuation and escalation of the violence, to prevent any elections.

Therefore, the concern of the gentleman from Washington to bring about full and free elections is understandable, but as all of the joint parties of the transitional government have made plain, the best way we can do that is to strengthen the hand of the transitional government against the guerrillas now attacking them, thus permitting them to hold the elections.

Mr. BONKER. If the gentleman will yield further, Mr. Chairman, I suggest that it would have the opposite effect because if we lift the sanctions now, we are going to accelerate the conflict there.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. BAUMAN) has expired.

(On request of Mr. HAGEDORN and by unanimous consent, Mr. BAUMAN was allowed to proceed for 2 additional minutes.)

Mr. HAGEDORN. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Minnesota.

Mr. HAGEDORN. Mr. Chairman, I want to commend the gentleman from Maryland (Mr. BAUMAN) for a very plain statement.

I think in airing this legislation, we can do more to send a message to the Carter administration that this Congress and the American people in general are convinced that we should take this action.

I think if they border on malfeasance in their conduct of foreign policy it is in the area in which we have dealt with Rhodesia.

I think it is shocking, for example, that the transitional government has offered to negotiate with Nkomo and Mugabe. I think these two people have said that unless they make the settlement or solution that these two men want, they will not go to the negotiating table.

Mr. Chairman, this country can send a message that they either come and bargain in good faith with the interim government or that we are going to recognize it anyway and try to work with them and see them established and see that that country's economy and people flourish and lead productive and profitable lives. It is as simple as that.

Mr. Chairman, I hope that the House does accept this language today so as to begin the long process toward reaching a permanent settlement for the good of all the people in Rhodesia.

Mr. BAUMAN. Mr. Chairman, I think the gentleman from Minnesota is correct, and I think we should underscore that the transitional government is attempting to negotiate and has offered to bring in these guerrilla leaders.

Mr. Mugabe in particular has made it plain that he does not want any part of the government unless he controls it by force.

He has specifically stated that he wants no democratic situation to develop but that he wants a Marxist dictatorship which he and his terrorists will control. That is the problem faced by the present government.

Mr. Chairman, they are under sanctions; they have been weakened economically and militarily; and we should give them the assistance because one estimate I saw indicated that the Soviet Union had pumped $20 million in the last year into the guerrilla faction, both in arms and other assistance. That, to me, indicates the direction which the guerrillas would take, if they were allowed to.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. BAUMAN) has expired.

(On request of Mr. RUDD and by unanimous consent, Mr. BAUMAN was allowed to proceed for 1 additional minute.)

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, I thank the gentleman in the well for yielding.

I simply want to join the gentleman in the amendment which he has presented to the House. I want to commend him for his alertness and wisdom in this case, which is consistent with the previous activities of this body.

Mr. Chairman, I urge support of this amendment.

Mr. BAUMAN. I thank the gentleman.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield.

Mr. BAUMAN. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the policy of this Government has done much to perpetuate the violence in Rhodesia. I think the policy of this Government has stood in the way of arriving at a good majority-rule solution in this country.

I commend the gentleman from Maryland for a very fine amendment and a very fine explanation of it.

Mr. BAUMAN. Mr. Chairman, I thank the gentleman from Oklahoma.

Mr. STEERS. Mr. Chairman, I rise in opposition to the amendment. At the present time, the United States has joined with Great Britain, in an effort to bring together all the parties involved in the Rhodesian conflict, to negotiate their differences in the hope of arriving at an early negotiated settlement that will establish majority rule in Rhodesia. The United States has not endorsed the internal settlement plan proposed by the Smith government, and passage of this amendment would be perceived as an endorsement by the United States of the internal settlement.

The internal settlement has not brought about changes in the Rhodesian Government that will bring outside Rhodesian factions into the Government. If there is ever to be peace in Rhodesia, all the Rhodesian factions must have a chance to participate in their Government. Presently under the internal settlement, there has been no change in the white-dominated police, army, or judiciary as well as no major change in discriminatory statutes.

Passage of this amendment will clearly tend to strengthen Ian Smith's firmness in his negotiating position, and this will, in turn, spell disaster for Rhodesia. While the solution for peace in Rhodesia is, at this moment, very far away, it will be even more so if this amendment is to pass. I urge my colleagues to vote against this amendment.

● Mr. RANGEL. Mr. Chairman, I rise in opposition to the Bauman amendment to lift economic sanctions on Rhodesia. This is a premature move that will not contribute to ending the violence in Rhodesia or improving the economic conditions in Rhodesia as long as war continues. The major issue facing Rhodesia today is the conflict between the Smith regime and the Patriotic Front. Frankly, the economic, political, educational, and social life for the 250,000 white Rhodesians is excellent in comparison to that of the 7 million black Rhodesians who live in oppression.

The lifting of the sanctions would give the false impression that the United States supports the Government's efforts to bring about a settlement through the Salisbury agreement. An agreement that is not recognized by the majority of Rhodesia's people, the Patriotic Front, other African nations, or the world community and which the black people of Rhodesia will have no opportunity to vote for. The internal settlement has not brought about an end to the violence. Just the other day, the Rhodesian Government waged an attack on the Patriotic forces in Mozambique. It does not offer promise of change in the racist system instituted by the Government, and will preserve the same oppressive government and leadership.

Lifting economic sanctions would be a violation of the human rights provision contained in the committee bill which prohibits recipient governments from repressing the population's rights under the United Nations Declaration of Rights. It will encourage the Patriotic Front to look more and more to the Soviet Union for aid and sympathy and would lessen their interest in further negotiations. I cannot accept the position that Rhodesia should receive greater assistance from the United States so that it can use it to raid the Patriotic Front forces and its oppressed black Rhodesians.

When I consider all the effort Congress has taken thus far in behalf of Soviet dissidents, I would think it could find the heart to speak up for blacks in Rhodesia and against assisting the Government in its oppressive rule.

We should not be overly concerned about improving Rhodesia's economic situation or the availability of Rhodesia chromium for U.S. industries.●

AMENDMENT OFFERED BY MR. ZABLOCKI AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BAUMAN

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ZABLOCKI as a substitute for the amendment offered by Mr. BAUMAN: Page 19, immediately after line 20, insert the following new section:

RHODESIA EMBARGO

SEC. 26. Section 533(d) of the Foreign Assistance Act of 1961 is amended by inserting "(1)" immediately after "(d)" and by adding at the end thereof the following new paragraph:

"(2) In furtherance of the purposes of this section and the foreign policy interests of the United States, the Government of the United States shall not enforce sanctions against Scuthern Rhodesia before October 1, 1979, if the President determines that (A) the Government of Southern Rhodesia has committed itself to participate in, and negotiate in good faith at, an all-parties conference held under international auspices on all relevant issues, including the terms of majority rule, the protection of minority rights, the Anglo-American plan, and the Salisbury Agreement; and (B) a Government has been installed in Rhodesia which was chosen by free elections in which all population groups were allowed to participate freely, with observation by impartial internationally recognized observers.".

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. ICHORD. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk concluded reading the amendment offered as a substitute for the amendment.

Mr. ZABLOCKI. Mr. Chairman, the substitute amendment which I am offering is virtually identical to the Case-Javits amendment which passed in the Senate last week. It is one which was agreed to after much discussion by a variety of interests in the other body. I consider this amendment to be one which will allow the delicate negotiations already in process to continue and which will not reverse our course of action in any precipitous manner.

While the administration has not endorsed the substitute amendment I am offering, or any other amendment before this body, I believe that my amendment will allow our diplomats, together with those of the United Kingdom, to continue negotiations to bring about an end to the war in Rhodesia, something which we all desire. We really do want peace in that area, and we want justice and freedom and self-determination to prevail.

Mr. Chairman, the principal features of my substitute are: First, the amendment would not allow sanctions to be lifted immediately. The lifting of sanctions at this time would simply imply a recognition of the internal settlement, an action which would nullify the claim of the United States to be an impartial mediator in the Rhodesian dispute.

Second, the substitute requires both an all-parties conference and a government chosen by free election to take place before sanctions can be lifted.

The amendment offered by the gentleman from Maryland does not require that elections take place or that a new government be installed, nor does his amendment require international observers at these elections.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. Please, may I finish my statement?

Mr. BAUMAN. If the gentleman will yield, I know the gentleman does not want to make an incorrect statement. He is addressing his comments about my amendment to an earlier version. I do provide for international observers.

Mr. ZABLOCKI. I see the gentleman has amended the original version to which I prepared my remarks and, indeed, does provide for international observance.

Mr. Chairman, it is imperative that the people of Rhodesia be able to choose a government freely and fairly. In order to do so, it is similarly necessary, given the conditions existing in Rhodesia today, that such elections be carefully followed, monitored, and aided by international observers and mediators, a provision that both the gentleman from Maryland and my substitute call for. Without these precautions, we can only assume that the fighting will continue. This is what my amendment seeks to avoid.

Mr. Chairman, the Bauman amendment calls for the lifting of sanctions immediately, and thus places the United States in violation of its commitments to uphold sanctions under international law.

The amendment of the gentleman from Maryland would mandate immediate lifting of the sanctions simply on the basis of the transitional government's making definite plans toward the holding of free and fair elections, not making significant progress, but making definite plans.

The gentleman's amendment further requires neither that elections be held or that a new government be installed, as I have earlier stated.

The gentleman from Maryland (Mr. BAUMAN) states that sanctions can only be reimposed when the President is satisfied that certain conditions have been met. In the best of conditions, the President would need considerable time to make these determinations.

The gentleman from Maryland prejudges the issues by raising sanctions before the President has time to assess the situation.

Mr. Chairman, I submit that the lifting of sanctions will give the Smith regime a boost in the arm, rather than encourage negotiations. It is likely to make Mr. Smith even more obdurate, not only in his relations with the external nationalists, but also with the black members of the executive council.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. ZABLOCKI was allowed to proceed for 3 additional minutes.)

Mr. ZABLOCKI. Mr. Chairman, in this regard, it is worth noting that Reverend Sithole, a member of the Executive Council, publicly stated recently that he is opposed to sanctions being lifted.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield at this point?

Mr. ZABLOCKI. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I was in receipt this morning of a memorandum from the gentleman's staff which made the allegation that the gentleman just made. I was in contact this morning with the Foreign Ministry in Salisbury by telephone and I am authorized to say that a cable is being sent to me by Reverend Sithole, which reads in part:

I would love to have sanctions lifted immediately.

Mr. Chairman, I do not know where the gentleman from Wisconsin gets his information, but his statement does not reflect the true position of Reverend Sithole.

Mr. ZABLOCKI. Mr. Chairman, when did the Reverend change his mind?

Mr. BAUMAN. Mr. Chairman, if the gentleman will yield further, that is the most recent statement by the minister this morning. I would be glad to provide the gentleman with the cable when it arrives.

Mr. ZABLOCKI. Mr. Chairman, the reverend's public statement several days ago was just the opposite. This just underscores how sensitive this matter is and how we had better move carefully on which amendment we adopt.

I might say that during the period when the Byrd amendment was enforced, there was no progress toward majority rule. There is the possibility of progress if my amendment is adopted.

I would hope my substitute amendment will be accepted, because it gives a better option and answers as to how to deal with this very sensitive matter.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I appreciate the gentleman yielding.

I would like to ask the author of this amendment a question for the purpose of establishing the legislative history of the proposal now before us.

Before I do, however, I would like to mention, "entre nous," so far as the representations of the Reverend Ndabaningi Sithole are concerned, the members of the committee should know this is a gentleman who started his career in Zimbabwe Nationalist politics, first, on the side of Joshua Nkomo and Zapu, and then on the side of Robert Mugabe and Zanu. At one point he was opposed to Ian Smith and even tried to have him assassinated. Now he is one of Smith's associates on the Executive Council. It seems to me this is a gentleman who has been on so many sides of the same issue that his representations not only change, as do his allegiances, from day to day, but that one should not put much faith in the certification of what his position is on any particular point.

Mr. BAUMAN. Mr. Chairman, will the gentleman from Wisconsin yield on that point? It appears to me from the description of Reverend Sithole offered by the gentleman from New York that the reverend would be right at home in New York politics.

Mr. ZABLOCKI. Mr. Chairman, it was my understanding I was yielding to the gentleman from New York for a question.

Mr. SOLARZ. Mr. Chairman, I have a question for the chairman of the committee. The question relates to the meaning of the amendment.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has expired.

(On request of Mr. SOLARZ, and by unanimous consent, Mr. ZABLOCKI was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. Mr. Chairman, if the gentleman will yield further, and if I may continue, the amendment says that the Government of the United States shall not enforce sanctions against Southern Rhodesia if the President determines, among other things, that—and I now quote:

A government has been installed in Rhodesia which was chosen by free elections in which all population groups were allowed to participate freely . . .

My question to the author of the amendment is whether he interprets this language to mean that when the President makes that determination as to whether or not, if elections are held, they were free, he would expect the President, among other things, to look at the extent to which the people of Zimbabwe, black as well as white, who were eligible to vote in the elections, actually participated in substatnial numbers.

Mr. ZABLOCKI. Mr. Chairman, in response to the question of the gentleman from New York (Mr. SOLARZ), I am confident that the President will take into consideration all aspects, including the gentleman's concern over participation in the elections by blacks and whites. I am confident that the President will take that matter into full consideration.

In closing, Mr. Chairman, I might say that the gentleman from Maryland (Mr. BAUMAN) has come somc way in the recognition that there should be some settlement in Rhodesia. However, under the guise of a moderate approach, the gentleman is nevertheless proposing a highly biased piece of legislation. I submit it would have us choose sides among the parties and thus damage our credibility as honest brokers in the Rhodesian negotiating efforts.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I will yield in just a moment.

Mr. Chairman, I submit that my substitute is the better approach. I know the gentleman from Maryland (Mr. BAUMAN) does not agree with me, but the gentleman has not very often agreed with me. On the very few occasions that we have agreed, we have both rejoiced.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, let me remind the gentleman that earlier today I offered his amendment. I submit that we often agree on fundamentals.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has again expired.

(On request of Mr. BAUMAN, and by unanimous consent, Mr. ZABLOCKI was allowed to proceed for 1 additional minute.)

Mr. BAUMAN. Mr. Chairman, will the gentleman yield further?

Mr. ZABLOCKI. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, the gentleman closed his statement by indicating that the gentleman from Maryland had a bias in favor of one party or another. The gentleman from Maryland is, indeed, as I tried to express in my opening statement, biased in favor of a multiracial transitional government at the expense of the bias of the Carter policy in favor of Communist guerrillas who have been literally killing thousands of people in the last few years.

Mr. Chairman, that is the kind of bias I would like to have this House approve, a bias in favor of freedom and in favor of multiracial, democratic governments in Africa.

Mr. ZABLOCKI. Mr. Chairman, I might say to the gentleman that it certainly is my understanding that the Patriotic Front—although, of course, the gentleman from Maryland calls that a biased group, and I do not condone terrorism wherever it occurs—has expressed a willingness to sit down at an all-parties meeting. Although there has been indication of some willingness for negotiation on the part of the supporters of the gentleman's amendment, it is my understanding that the Salisbury group has refused to do so and wants to lift sanctions immediately.

AMENDMENT OFFERED BY MR. FINDLEY TO THE AMENDMENT OFFERED BY MR. ZABLOCKI AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BAUMAN

Mr. FINDLEY. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY to the amendment offered by Mr. ZABLOCKI as a substitute for the amendment offered by Mr. BAUMAN: strike all following the date and insert in lieu thereof the following: ": *Provided*, That the President of the United States may reimpose sanctions at any time if he determines that: (a) the government of Rhodesia has refused to participate in, and negotiate in good faith, at an all-parties conference held under international auspices on all relevant issues, including the terms of majority rule and the protection of minority rights, the Anglo-American plan and the terms of the Salisbury Agreement, or (b) has failed to schedule for an early date free elections in which all population groups will be allowed to participate freely, with observation by impartial internationally recognized observers."

Mr. FINDLEY. Mr. Chairman, unlike my friend, the gentleman from Maryland (Mr. BAUMAN), I have always up to this moment supported the sanctions against Rhodesia, feeling that we are obligated to that approach by commitments made to the United Nations. This is the first time that I have supported any exception to that policy.

I do so because I believe that times have changed, that circumstances have changed. I believe that the language that would emerge as a result of my amendment to the Zablocki substitute is far more apt to promote the peaceful evolution that must come and, hopefully, come swiftly, in Rhodesia than does the substitute itself. It tracks much more closely to the language of the Zablocki substitute than does the Bauman amendment. It does provide that sanctions shall be lifted immediately upon enactment of this language. But it also provides that the President may at any time reimpose sanctions if he makes one of two findings: First of all, if he finds that the Government of Rhodesia has refused to participate in, and negotiate in good faith, at an all-parties conference held under international auspices on all relevant issues, including the terms of majority rule and the protection of minority rights, the Anglo-American plan and the terms of the Salisbury agreement.

That is precisely the language taken from the Zablocki substitute.

Or he may reimpose sanctions if he finds Rhodesia has failed to schedule for an early date free elections in which all population groups will be allowed to participate freely, with observation by impartial internationally recognized observers.

It seems to me this offers the better hope between this language and the Zablocki language of promoting the acceleration of the peaceful change process that all of us want to occur in Rhodesia.

It is predicated upon the assumption that very fundamental changes have occurred in Rhodesia, that major concessions have occurred, perhaps, and, I suspect largely because of the sanctions that have been imposed against that government, not only by the United States and other countries, but for what other reason important changes are underway. The purpose of this is to accelerate that process of change.

Mr. Chairman, I will add just one word further. I believe that the Government of Rhodesia, the transitional government, is under heavy economic difficulty at the present time, which is apt to intensify, regardless of what has happened. But I believe the effect of the adoption of this language to immediately lift the sanctions would be a substantial shot in the arm, and this shot in the arm would help ameliorate the transitional process.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

Mr. Chairman, I want to say to the gentleman from Illinois (Mr. FINDLEY) that, although his amendment to the substitute imposes more stringent requirements on the transitional multiracial government in Salisbury, it does have the virtue of immediately lifting the sanctions. While it is tougher, in effect, than my amendment, as to what must be done, and gives the President more leeway than, perhaps, my amendment

suggests, I would certainly be willing to accept his amendment.

Mr. FINDLEY. I thank the gentleman for his contribution.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, I just want to be sure about my concept of the proposal. With the lifting of the sanctions, it is a unilateral act by the United States, is it not?

Mr. FINDLEY. That is correct.

Mr. FASCELL. Contrary to the U.N.-imposed sanctions?

Mr. FINDLEY. In light of what is considered to be a very critical emergency situation, yes.

Mr. FASCELL. Second, it would be a complete reversal of U.S. policy, would it not?

Mr. FINDLEY. It would to a considerable degree and so would the Zablocki substitute. It also would be setting itself against the U.N. sanctions in a reversal of policy, assuming the President makes the specified determinations.

Mr. FASCELL. Except that it legislatively unilaterally lifts sanctions, and the Zablocki substitute does not.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. FINDLEY) has expired.

(On request of Mr. FASCELL and by unanimous consent, Mr. FINDLEY was allowed to proceed for 1 additional minute.)

Mr. FASCELL. The President of the United States does not support the gentleman's amendment, does he?

Mr. FINDLEY. So far as I know he is not aware of it. I did have the pleasure of talking briefly with him last night. I am proud to announce that, because I do not very often get a call from the President. But, I did not think to mention this amendment.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, we just received a copy of the gentleman's amendment, and I am trying to figure out exactly what it means.

Mr. FINDLEY. I might tell the gentleman that I just saw a copy of Mr. ZABLOCKI's substitute. It too has been changed.

Mr. SOLARZ. I think it would be helpful if the gentleman could tell us when, under the terms of his amendment, sanctions would be lifted. As I understand it, they would have to be lifted immediately if this became law, and then might never be reimposed, even if an election were never held in Rhodesia.

Mr. FINDLEY. The lifting of sanctions authorized by my amendment, which is an amendment to the Zablocki substitute, would have effect only until October 1, 1979.

Mr. DIGGS. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. DIGGS was allowed to proceed for 5 additional minutes.)

Mr. DIGGS. Mr. Chairman, I take the well as one who really prefers no amendment at all, even with conditions. I take the well as one who believes that this matter ought to be executed through the United Nations, from whence the sanctions came, with our Government's support. But, I think that we ought to be mindful of the intricacies and complexities through which this matter has been adjudicated by the other body.

If Members look at the vote in the other body on this issue—and I remind them that the substitute offered by the chairman of the full committee is the exact language of the Senate—it was passed by a vote of 57 to 39, and on another vote, 59 to 36. The aye votes cover all sections of this country. They cover both parties. They cover the ideological spectrum, and I think it is a classical example of the legislative process at work

With all due respect, I regret to have to oppose the amendment of my friend from Illinois, Mr. FINDLEY who has, as he indicated, been on what is considered by some people the progressive side of this issue. I think that our best interests would be served by adopting the Zablocki substitute, which is the language that has been worked out on the Senate side.

This was not done overnight or impetuously. It was done with the kind of classic legislative exercise that has characterized this institution. It is not endorsed by the administration. It takes a neutral position, and I think that it is the obstacle course over which we can tread gingerly. Lifting sanctions immediately, as we all know, places the United States in violation of its commitments under international law, and the Bauman-Findley substitutes that have been offered really move us from a position of neutrality to the side of the current transition government.

And for what? There has not been any progress made under the transition government that has been in existence these past 4 or 5 months, that has encouraged people to believe that negotiations would be entered into in good faith. As a matter of fact, contrary to one of the points made by my friend from Maryland, it is only the Mugabe and Nkomo group, the Patriotic Front, who has made a commitment to come to conference.

It is the Salisbury group that has not made such a commitment. If we do not have some kind of negotiations, we are not going to end up with a unified government that is absent the kind of guerrilla warfare that has characterized this matter particularly during the past few years.

Now reference was made to the position of Reverend Sithole, although I think my friend, the gentleman from New York, disposed of that by pointing out he has been on various sides of the fence, but I have a copy of what the gentleman said and among other things he said is that the political and economic evils of that system still exist and that economic sanctions should be maintained until such time as major reforms are enacted.

We ought also not forget that the Organization of African Unity that just met in Khartoum, some 34 nations, went on record again reiterating their support for the Patriotic Front, and some of the best friends the United States has raised questions about the consequences if sanctions might be unilaterally lifted by the United States. The 36 countries of the Commonwealth of the United Kingdom have also reiterated their support for maintaining sanctions. And contrary again to an impression that might have been generated by comments that were made, the British Conservative Party is on record as favoring the maintenance of sanctions.

And so if Members really want a unified government, they have to realize that without negotiations the dream of a democratic government or whatever might ultimately be there is just a will-of-the-wisp, and in that regard to try to predict the characteristics of the future government to ascribe its characteristic, to one individual as opposed to the group of people who are involved externally in the liberation forces is a most misleading kind of suggestion.

There is not any one individual that is going to dominate the negotiations for the future government of Zimbabwe.

And so in conclusion I would suggest to those who may be confused by the three propositions that are now pending, that our best interests would be served by supporting the Zablocki substitute, which is exactly the language passed in the other body by almost a 60-percent majority.

Mr. CAVANAUGH. Mr. Chairman, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Nebraska (Mr. CAVANAUGH).

Mr. CAVANAUGH. Mr. Chairman, I thank the gentleman from Michigan for yielding.

I commend the gentleman for his statement and the chairman for his statement.

I think there are really two points before us.

I am highly offended and irritated by much of the language presented here by Mr. BAUMAN and by our colleague from Minnesota concerning the administration's support.

Mr. BAUMAN. Mr. Chairman, I make a point of order against the language of the gentleman from Nebraska if he cannot conduct himself civilly in debate. The gentleman has characterized the language of the gentleman from Maryland. That denotes to me some sort of impugning of what I say or the truth thereof and I demand his words be taken down.

The CHAIRMAN. Does the gentleman from Nebraska ask unanimous consent to withdraw the words?

Mr. CAVANAUGH. I do not, Mr. Speaker.

The CHAIRMAN. Does the gentleman wish to amend the words?

Mr. CAVANAUGH. Mr. Chairman, I would have to say perhaps my characterization was an ——, but if the gentleman is disturbed by it I will withdraw it.

Mr. BAUMAN. Mr. Chairman, the gentleman is not going to get off that easily. He has just characterized his former

statement. I demand those words be taken down.

The CHAIRMAN. The House will be in order.

The gentleman from Nebraska is recognized.

Mr. CAVANAUGH. Mr. Chairman, insofar as the characterization that I used regarding the gentleman's language could in any way be construed to impugn the gentleman's character, I would ask unanimous consent to withdraw it. It was an attempt to simply convey my feelings of the inappropriateness of the language that the gentleman had used in putting forth his argument.

POINT OF ORDER

Mr. BAUMAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BAUMAN. Is not the only request the gentleman from Nebraska (Mr. CAVANAUGH) can make, under the rules of the House, a unanimous-consent request to withdraw his remarks, and not to make a speech?

The CHAIRMAN. The gentleman from Maryland (Mr. BAUMAN) is correct.

Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. DIGGS) is recognized.

Mr. DIGGS. Mr. Chairman, I yield to the gentleman from Nebraska (Mr. CAVANAUGH).

Mr. CAVANAUGH. Mr. Chairman, I thank the gentleman for yielding.

I think the gentleman has expressed the two points that are of critical importance in this debate in consideration of these two amendments, and the Findley amendment is of no different substance from the Bauman amendment.

Mr. Chairman, I would like to read a letter we all received from the U.S. Catholic Conference, hardly an organization prone to support terrorism or an international Communist conspiracy.

In any event, in regard to this issue and in regard to unilateral actions on the part of the United States in terms of lifting the embargo, on July 26, 1978, the Catholic Conference wrote to the Members and said the following——

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would like to announce to the guests of the House in the gallery that no manifestation of any approval or disapproval of anything happening on the floor is permitted.

Mr. CAVANAUGH. Mr. Chairman, will the gentleman yield further?

Mr. DIGGS. I yield to the gentleman from Nebraska.

Mr. CAVANAUGH. Mr. Chairman, the Catholic Conference wrote to the Members of the House the following:

> The argument being made to justify lifting sanctions is that such fundamental change has occurred or is occurring principally through the "internal settlement." We are persuaded by the following comments of the General Secretary of the Rhodesian Bishops Conference that such fundamental change has not yet taken place. Referring to the internal settlement Father R. H. Randolph, S.J., states:
>
> ". . . it has yet to be demonstrated that the 'internal settlement' (Salisbury, 3 Mar. 78) has in any way altered the situation. The Executive has been sworn: the Cabinet of Ministers has been arranged: no facts have been made yet noted to modify the racialist principles of the legislation which is still in effect, and which was produced by the Parliament which is still in being."

They go on to say the following, which is my second point:

> The sanctions imposed upon Rhodesia are an act of the international community. The United States has not only supported these sanctions but has become a crucial actor in promoting a long-term settlement in Rhodesia. Unilateral action on our part to lift the sanctions would not only place us once again outside the international consensus, but could erode the unique role we have been playing in Rhodesia in recent months.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DIGGS) has expired.

(On request of Mr. CAVANAUGH and by unanimous consent, Mr. DIGGS was allowed to proceed for 2 additional minutes.)

Mr. CAVANAUGH. Mr. Chairman, will the gentleman yield further?

Mr. DIGGS. I yield to the gentleman from Nebraska.

Mr. CAVANAUGH. Mr. Chairman, those are the two fundamental points, that the United States has been playing a crucial and critical role, and that we are involved in this role not unilaterally, but in conjunction with the entire world community.

Mr. Chairman, acceptance of the Findley amendment and the rejection of the Zablocki amendment would once again put us outside, both with respect to having a constructive role and with respect to being outside the international community.

For that reason, Mr. Chairman, I commend the gentleman for his statement and the chairman for his amendment.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before there was a momentary pause in proceedings while the rules of the House and dictionaries were being consulted, the gentleman from Michigan had properly pointed out the parliamentary procedure, which is that the gentleman from Maryland (Mr. BAUMAN) has offered an amendment: the gentleman from Wisconsin, a substitute; and now there is an amendment to the substitute.

Mr. Chairman, that parliamentary situation is confused enough, but when we stop to think of the subject matter itself, the internal situation in Rhodesia, we are further confused.

Mr. Chairman, I would say, at the risk of running afoul of the egos of some of my colleagues, that there are very few of us—and I do not claim to be one of them—in the House who are really experts on the situation in Rhodesia, much less some of the other trouble spots in Africa.

So I felt that we would be more enlightened this afternoon, rather than expressing views based on general reactions to certain developments, if we just look at press reports and quote some of these leading figures on the scene. For example, there was reference made earlier to the TV documentary produced by Carl Rowan. In that documentary there was an interview of Mr. Robert Mugabe of the Patriotic Front, and I quote from that interview. Mr. Mugabe said that he envisioned socialism based on Marxist-Leninist principles as the proper prescription for Rhodesia.

Then my research reveals that the San Diego Union carried an article by the other leader of the Patriotic Front—the other participant; I do not really know who the leader is—the other participant, Mr. Nkomo, who predicted in an interview, and I quote:

> The internal settlement scheme will bring neither peace nor stability to Rhodesia, because "We are not going to allow it."

Then Mr. Nkomo went on and stated that there was no room for compromise or for coalition with the moderate black leaders who helped form the new Government in Rhodesia.

The Washington Post, a most respected publication, interviewing the same Nkomo quoted him as saying: "We intend to finish him up," referring to Mr. Ian Smith, the present Prime Minister.

Mr. Mugabe, the other leader in the Patriotic Front, is described in the press—and I am specifically now referring to a New York Times article of March 5, 1978, as being alined with Red China, and he has been described as being far less compromising—mind you, far less compromising—than Nkomo. So we are getting pretty far out at that point. And he, Mr. Mugabe, has proclaimed publicly that his interest is to take over power. He has threatened reprisals against the whites "who exploit blacks," and against blacks who have assisted whites by serving in the Government and army. Frankly, he would produce a bloodbath.

On the other hand, how about the internal leaders. They are the much maligned internal leaders who have reached agreement with Mr. Smith. Bishop Muzorewa has personally invited the guerrillas inside and outside the country to "come home a free and heroic people." He has promised them jobs. He has promised them educational opportunities. He has promised them positions in the army of the new Government of Zimbabwe.

Bishop Muzorewa has promised that they would share power with all of the people who wish to participate in the new Government of Zimbabwe. In fact, these quotes of Bishop Muzorewa were from a luncheon meeting held by the NAACP at the Cosmos Club recently, and I am reading, incidentally from the Washington Post. Bishop Buzorewa was quoted as saying:

> I see ourselves entering into a reconciliatory stage for all concerned.

"All" referring to the divided African nationalist leaders.

I suggest if we are looking for voices of moderation to support, we have to look to the participants in the internal settlement, and for too long we have had a situation where we have refused to

give Mr. Smith and his cohorts any credit for trying to solve the problems in that difficult situation they face. They are solving the problems. The internal settlement can and will work. The forces in the Patriotic Front have one goal, and that is a takeover at gunpoint.

I suggest we support the Findley amendment.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the Findley and Bauman amendments, both of which are presumptively well-meaning, but which would have dangerous implications were they to be adopted. I think it should be obvious to the Members of the House that if either the Findley or the Bauman amendments, both of which would have the result of immediately lifting sanctions, were adopted by this Congress, it would significantly obstruct the ongoing effort to achieve a peaceful settlement of the conflict in Rhodesia, thereby prolonging the armed struggle which is now under way in that country, and in the process implicitly commit us as the lifting of sanctions would inevitably do, to the support of a Rhodesian settlement, which may well not have the support of the overwhelming majority of the Rhodesian people themselves.

Mr. Chairman, I want to make it clear to my friends on both sides of this issue that I can conceive of circumstances under which it would be appropriate for us to support the so-called internal settlement.

In the final analysis, I think it is up to the people of Zimbabwe themselves to determine their own future. If they should prefer the internal settlement, whatever its philosophic or political or constitutional deficiencies may be, I think that is their determination to make. Under such circumstances, I believe that if we were to be true to our own principles and ideals as a democratic society that we would have no alternative but to accept it as well. But having recently returned from a trip through southern Africa, during the course of which I had an opportunity to spend some time in Rhodesia, where I met with the black and white leaders of the internal government, and in the frontline states, where I had an opportunity to discuss these questions with President Nyerere of Tanzania and President Kaunda of Zambia and Mr. Mugabe and Mr. Nkomo of the Patriotic Front, and on the basis of subsequent discussions which I have had in my own home with Bishop Muzorewa and several of his followers, it seems to me that for a variety of reasons I will shortly describe, that it would be entirely premature for us to lift sanctions, as the adoption of either the Findley amendment or the Bauman amendment, would require us to do at this time.

First of all, it is by no means clear that the majority of the people of Zimbabwe actually support the internal settlement. During the course of my visit to Rhodesia, I spoke with a number of people who have spent a substantial amount of time in the tribal trust lands of that country where 80 percent, the overwhelming majority, of the black people of Rhodesia actually live. These were individuals who had no ax to grind, who were neither pro Muzorewa nor pro Mugabe, but without exception they reported that among the blacks in the tribal trust lands, who constitute the great majority of the people in the country, the attitude toward the internal settlement ranged from being suspicious, at best, to being downright hostile, at worst.

They were suspicious because, even though they had been told that the internal settlement represented the establishment of majority rule, very little has so far changed.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

(By unanimous consent, Mr. SOLARZ was allowed to proceed for 5 additional minutes.)

Mr. SOLARZ. The people still face the same army, the same police, the same civil servants, and even the same Mr. Smith parading around under the title of Prime Minister. So they are suspicious about whether or not the internal settlement means all of the things its proponents claim it does.

On the other hand, I was told that there were many blacks in the tribal trust lands, probably the majority, who were actually hostile to the internal settlement, primarily because it made no provision whatsoever for the inclusion of what they termed the "boys in the bush" with whom they appeared to widely identify by virtue of the fact that they were the ones who took up the struggle against the racist minority regime of Ian Smith.

For the purposes of clarity, I want to make the point here that I was told that the blacks in the tribal trust lands were not supporting Mugabe or Nkomo, but, rather, had a sense of sympathy for their fellow Zimbabweans who had taken up the struggle to establish majority rule in the country and who, they believed, were entitled to enjoy the fruits of their presumptive victory.

In addition to the fact that the internal settlement may very well not have the support of the blacks in the country, the fact is that the constitution provided for by the internal settlement has yet to be drawn up. Nobody knows what is going to be included in this document. Once it is drawn up, the internal settlement provides that there is supposed to be a referendum in order to determine whether the people of Rhodesia support it, but that referendum is not a referendum among the blacks who constitute 96 percent of the country, it is a referendum among the whites who constitute only 4 percent of the population, and there is absolutely no guarantee whatsoever that the whites of Rhodesia are going to approve the constitution, and the internal settlement, if and when that referendum is ever held.

In addition, the black leaders in Salisbury have said privately to many people that it was their intention to proceed rapidly, even before elections were held, toward the dismantlement of the so-called protected villages, to which a half a million black Rhodesians have been forcibly removed from their ancestral communities, and put into what can only be termed quasiconcentration camps, which are widely unpopular around the country, and which are a significant source of opposition to the Smith regime.

Yet, in spite of those private indications, none of the blacks have been given the opportunity to leave the protected villages, even if they wish to do so.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to my friend, the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman for yielding.

I would just like to commend the gentleman for a superb statement on the issues based on firsthand knowledge and, I think, great statesmanship. I would like to associate myself with the gentleman's remarks.

Mr. SOLARZ. Mr. Chairman, I appreciate the gentleman's observation.

In addition to the fact that nothing has been done with respect to the protected villages, nothing has been done with respect to the existence on the law books of Rhodesia of all kinds of racially discriminatory legislation. Indeed, when I was in Salisbury, on that very day the city council voted, believe it or not, to postpone for 1 year a discussion of whether or not to eliminate prohibitions against the purchase of property by blacks in the white reserved areas of that city.

Finally and most importantly, elections still have not been held in Rhodesia.

Make no mistake about it, Ian Smith and his supporters did not agree to the internal settlement, after fighting majority rule for 55 years, because they became born-again democrats. They supported the internal settlement for one reason and one reason only: Because they saw this as a way of bringing the armed struggle to an end, and to the extent the announcement of the internal settlement has not resulted in a diminution of the armed struggle, but has actually produced an intensification of the armed struggle, Ian Smith himself has said, on British television, that the internal settlement is not working.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

(On request of Mr. BUCHANAN and by unanimous consent, Mr. SOLARZ was allowed to proceed for 3 additional minutes.)

Mr. SOLARZ. So Ian Smith said the internal settlement is not working.

When I was in Salisbury, the Foreign Minister, Mr. P. K. Vander Byl told me, point blank, that unless the armed struggle began to diminish, it would not be possible for them to hold elections because the security situation in the countryside would not permit it.

I say to my friends on the committee that, if they held elections, if there were a referendum, not only among the whites, but among the blacks, in order to determine whether the people of Rhodesia support this settlement, if the blacks, who have been held in protected villages were permitted to leave, if racially discriminatory legislation were eliminated, we would have no alternative but to support the internal settlement.

Yet, despite the fact that a constitu-

tion has not been drawn up, despite the fact that no elections have been held, despite the fact that protected villages and their 500,000 inmates are still there, despite the fact that racially discriminatory legislation is still on the books, despite the fact, finally, that the internal settlement has not been recognized by the OAU or the U.N. or the United Kingdom, which has an even closer connection to Rhodesia than we do, both the gentleman from Ohio (Mr. FINDLEY) and the gentleman from Maryland (Mr. BAUMAN) ask us to suspend sanctions at this point, thereby implicitly endorsing an internal settlement which is opposed, not only by people everywhere else in the world, but probably by the majority of the people of Zimbabwe itself.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has painted a very gloomy picture of conditions in Rhodesia which, of course, is to his advantage. But the gentleman cannot deny that, whatever shortcomings the transitional government may have, by October 20, by agreement of the multiracial government including all of the parties, a new constitution must be adopted in referendum in order for the transitional government to continue, or it will fall apart; that December 4 to 6 has been already set for the date for free elections, and that Christmas Eve, the feast of the Prince of Peace, has been set as the date for the selection of a new head of government chosen under a peaceful democratic process which will produce a black ruler in a former white colony. All of those dates are announced and scheduled. Although I would disagree with the gentleman's characterization of many things, such as concentration camps, and the many other statements the gentleman made, this is more significant peaceful progress toward change than has occurred in any African state at any point in our recent history. The gentleman's position would deny any possibility that peaceful change can come to fruition.

Mr. SOLARZ. May I respond by saying that if elections are the sine qua non of whether we should support the internal settlement, our ability to make sure the elections are actually held in Zimbabwe will be significantly strengthened.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has again expired.

(By unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. Our ability to make sure elections are held will be significantly strengthened if we defeat the Findley amendment and adopt the Zablocki substitute to the Bauman amendment, because the difference is that the Zablocki substitute provides that sanctions are only lifted after elections are held, whereas the Bauman amendment would lift sanctions right now. And anybody who knows anything about Ian Smith, and how he slips into agreements and then out of agreements, knows that if we lift sanctions now the incentive on the part of the Rhodesian whites to proceed with elections will be significantly diminished, because they will be convinced that they have won the ballgame without having to pay the price in the process.

On top of this, if we lift sanctions now, we will be accused by the frontline states and the Patriotic Front of taking sides in this struggle and of supporting the internal settlement. It will mean we will forever lose whatever opportunity remains to bring all of the parties of the conflict together within the framework of an all-parties conference, based on the Anglo-American proposals.

It is not true that the administration has supported the Patriotic Front. It has resisted many of the demands of the Patriotic Front. It has come forward with an Anglo-American proposal providing for free and independent elections under U.N. auspices.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Missouri.

Mr. ICHORD. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman, who is talking about the dangers of lifting sanctions now, would the gentleman be opposed to an amendment which would provide that no sanctions shall be imposed after December 31, 1978, unless the President shall determine that a government has not been installed, chosen by free elections, in which all political groups have been allowed to participate freely?

The gentleman could not oppose that amendment, could he?

Mr. SOLARZ. I have not seen the language of the gentleman's amendment, but the way he describes it, is sounds very similar to the language of the amendment offered by the gentleman from Wisconsin, which I would prefer.

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto end at 4 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. ICHORD. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ZABLOCKI. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto end at 4 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The motion was agreed to.

The CHAIRMAN. Members standing at the time the motion was made will be recognized for 1 minute and 20 seconds each.

(By unanimous consent, Messrs. BINGHAM, DIGGS, FASCELL, CAVANAUGH, and KILDEE yielded their time to Mr. BONKER.)

(By unanimous consent Mr. JOHN L. BURTON yielded his time to Mrs. BURKE of California.)

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Chairman, I accumulated more time than I expect to use. I rise in opposition to both of the amendments offered by the gentleman from Maryland (Mr. BAUMAN) and the gentleman from Illinois (Mr. FINDLEY), and in support of the Zablocki substitute.

Mr. Chairman, the goal for all the sponsors of these amendments is fairly clear. We want to see elections held in Southern Rhodesia; we want to see a peaceful transition to majority rule in that troubled country; we want to see the adoption of a constitution, the dismantling of racial discrimination that has been inherent in that system for too many years; the protection of human rights, and also protection of the minority rights of the whites who live in that country.

There are basically two approaches to U.S. policy regarding this transition. The first is inherent in the so-called Bauman and Findley amendments, which I oppose because the lifting of sanctions at this time would be premature. In fact, it could have the opposite effect in that it would disrupt what we see as a delicate process toward majority rule in that country. They are on a timetable. There is a schedule of events, already enumerated by the gentleman from Maryland, but taking precipitous action at this time could disrupt that very important process.

Adoption of either the Findley or Bauman amendments would also bring about a situation where we have a basic contradiction in U.S. policy. The United States throughout the last several years has supported the Anglo-American approach; that is, the inclusion of all parties in a negotiated settlement to transition in Rhodesia.

If we were to act today we would be in effect contradicting that basic policy.

On the other hand the Zablocki amendment, which is identical to the Senate action, would provide an inducement for all parties to become involved in that process, to enter into negotiations at a conference that would bring about a more comprehensive settlement in Rhodesia. It would recognize that sanctions should be lifted, not now before elections, but after elections.

This has been the lever all the time: that the sanctions have forced the Smith regime to recognize the hard realities of establishing a minority government in a majority society. If we were to lift those sanctions now, we would certainly disrupt that process.

And nothing has been said today about the reaction of the United African Organization at their summit meeting in Khartom where they declared by unanimous adoption of a resolution that any effort to lift sanctions at this time would be considered a hostile action to all of Africa.

Almost every African leader in that continent today opposes the premature lifting of those sanctions and it would be perceived by those leaders as hostile action on our part. All of the work we have done in the past few years to develop positive relations with African countries would go down the drain. We would lose our influence in bringing about the kind of desired goals we have talked about today.

Mr. Chairman, of the two approaches that are before us, the Bauman approach and the Zablocki approach, the latter is best. It will achieve the desired goal of peaceful transition to majority rule. It is consistent with action already taken by the U.S. Senate and it is consistent with U.S. policy in Southern Africa.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Alabama, who has always been in the forefront of majority rule in Southern Africa.

Mr. BUCHANAN. Mr. Chairman, the gentleman has made very salient points.

I would like to underline that if I were a citizen of Rhodesia-Zimbabwe, I might well cast my vote in a free election for Bishop Muzorewa.

But what is at issue is not what personality shall lead that country but whether or not what we do shall contribute toward the end result of free elections, majority rule, and peace in that part of the world.

Would the gentleman not agree that given the position of the front line states, given the position of all of Africa, given the reality of the situation of Nkomo and Mugabe in place, it is unlikely that this action would have the end result sought by those sponsors of achieving peace and free elections and majority rule, but indeed the consequences might be quite the opposite?

Mr. BONKER. I think the gentleman states the point exactly, and our actions today will determine precisely what will occur in Southern Africa. If we were to adopt the Bauman or Findley amendments we could very well see an acceleration of guerrilla action on the other side and a loss of credibility with all parties in that dispute.

Mr. BUCHANAN. Will the gentleman yield further?

Mr. BONKER. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I would underline, pertaining to the Findley amendment, that should the present government simply promise elections and promise to participate, under the language of the Findley amendment it would then be impossible for the President of the United States to reimpose sanctions because what the amendment requires is not actions but promises, and once those promises are made, then his hands would be tied, even if he felt conditions there—like protected villages where people still are imprisoned, like discriminatory laws still in place, like the other conditions that make the present situation one that requires change before we can say there is sufficient progress toward majority rule and self-determination—none of that would have to change. All the government would have to do is simply promise free elections and promise to participate in multiparty talks.

Mr. BONKER. Once again the gentleman states the situation exacly. The promise is inherent in the present system, the promise to have an election, adopt a constitution and to dismantle discriminatory racial laws.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DORNAN).

(Mr. DORNAN asked and was given permission to revise and extend his remarks.)

Mr. DORNAN. Mr. Chairman, I take note, with pleasure the more serious tone of the debate on this resolution compared to last year when there were several frivilous exchanges over whether or not we should say Zimbabwe-Rhodesia or Rhodesia-Zimbabwe. I think the much more serious approach is because the level of terrorism and murder has increased so desperately in that unstable part of Africa. Actually, all of that giant continent is unstable.

I am one of only a handful of Members, who have had the opportunity to travel to the southern part of Africa. I believe I am the only Member who has flown by helicopter out to the guerrilla terrorized areas along the Mozambique border and seen just how ghastly the Communist supported killing has been. I accept the sincerity of everyone here today trying to apply the proper amount of pressure in the proper time frame so as to bring about a truly representative election. However, what I cannot accept and cannot fathom is how some of you are willing to accept the Andrew Young hypocrisy which demands forcing the killers Nkomo and Mugabe down the throats of moderate black leaders in Zimbabwe. Members of this body or the other body, who want Nkomo and Mugabe included in any type of "peaceful" settlement should read carefully this letter from a constituent of mine to Senator HAYAKAWA. It is a first-hand, blood-curdling account of Mugabe terror.

Mr. Chairman, I ask unanimous consent that I may be permitted to insert this letter from Mr. Robert N. Cleaves about the slaughter that took place on the 24th of July at a Rhodesian Christian mission school. It is literally too horrible and nightmarish a story of brutality to read aloud.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

MARINA DEL REY, CALIF.,
July 17, 1978.

Re: Rhodesian Situation.
Senator S. I. HAYAKAWA,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HAYAKAWA: On July 15, I returned from an extensive six week trip to Southern Africa. Mr. Vernon Gillespie met with me during my stop-over in New York. Pursuant to my conversation with Mr. Gillespie, I am writing this letter and sending you the enclosures. Over the last several years, I have been extensively involved in both the political and military situation in Rhodesia as well as the Republic of South Africa. As an observer with the Rhodesian security forces, the following events transpired.

I was at Grand Reef Air Base near Umtali on the morning of June 24, 1978. At 7:10 a.m., a report was received that a massacre had occurred at the Emmanuel Mission School, 18 miles southeast of Umtali. A fire force was immediately dispatched. Upon arrival, I witnessed a shocking sight. After an extensive interview with approximately 50 of the 250 school children, and the director of the facility, I wrote the following story and caused it to be transmitted to UPI (London) and to 27 newspapers in the United States via Panax Corporation:

"Patriotic Front terrorists massacred 12 whites at the Anglican Emmanuel Mission School 18 miles south east of Umtali shortly before 9 p.m. on 23 June.

"Scene of the murders was the school pavilion where the staff and their families were taken after being forceably removed from their homes.

"Three adult men ages 29, 30 and 37, 5 adult women ages 50, 37 and three unknown, and two young girls ages 4 and 5 and one boy age 6, and one 3 week old baby were found axed, bayoneted, bludgeoned and kicked to death on the grounds of the school pavilion. The victims comprise all but 2 of the entire teaching staff for 250 black children ages between 13 and 20.

"Only one woman managed to escape. However, she had been repeatedly raped and bludgeoned, and at this stage is thought to have been bayoneted. She was flown to Salisbury in a state of extreme shock and unconscious after being found by security forces hiding in the bushes a scant 50 yards from the scene of the atrocity which took place 14 hours earlier.

"Four of the 5 women who had also been violently sexually assaulted by members of the gang. One woman still had a crude axe lodged in the base of her skull.

"Another woman was found with her arms flung out in a pathetic but futile attempt to save her 3 week old baby girl. Both had been bayoneted and the mother of the tiny infant had her face crushed by a log wielded by one of the terrorists. Two of the other women were singled out for a particularly depraved brand of sexual assault and before being killed one woman had her breast slashed repeatedly by a bayonet.

"The three little children were found lying in various poses next to the body of their mother. The woman had not been raped because she was in her menstrual cycle, but she had been bayoneted in the lower groin.

"Her youngest child had been kicked to death and the footprint of a terrorist boot was clearly identifiable on the small child's face and neck. Her brother and sister were both bludgeoned and hacked to death.

"It is believed that this murder and the resulting terror and screaming of the rest of the victims triggered the terrorists rampage of bestial lust and mutilation.

"The school registrar, Mr. Ian McGarrick, was the sole white to have escaped unharmed. For some reason he was overlooked at his home while the rest were being rounded up. He was unaware of the incident until the morning when he discovered it and raised the alarm.

"Approximately 8 terrorists armed with AK 47 Soviet automatic rifles then forced the 250 children into the school yard. They told them what political faction they supported. The children did not respond. They were then asked if they understood the term "Neo Colonialist"—again silence. The children were then given a lecture of benefits of the Zimbabwe African Nationalist Union headed by Robert Mugabe and forming a part of the so-called Patriotic Front.

"Next the pupils were ordered back to their rooms and told to leave the school on Monday 26 June.

"Before leaving, the terrorists robbed the mission store of a large quantity of food and clothing. The result of the terror is the closing of the school, depriving 250 black children of education.

"Headquarters of the mission is the Elim Organization based in Cheltenham in England.

"On July 27 last year the secondary school and pupils of the Elim School in North Inyanga were moved to the site of today's atrocity. During the move a bus carrying some of the pupils detonated a landmine.

Two pupils died and 11 were injured. Another bus sent to pick up the survivors detonated a second landmine injuring more pupils and killing a tribesman. This latest attack against a mission group has claimed more white lives than any other single incident throughout the history of the war. It also is the only incident which appears to have been directed against whites because they were white. Not one of the black boys or girls were physically harmed. The names of the dead are being withheld pending notification of next of kin.

"The previous worst incident against a missionary body was at the St. Paul's Jesuit Mission at Mussami, 35 miles Northeast of Salisbury 2 years ago where seven missionaries including 4 nuns were machine gunned to death by terrorists."

At the time I interviewed the witnesses, the identities of the victims were unknown. The one woman that escaped has since died, making the total number of victims 13. Also, the school registrar, Mr. Ian McGarrick, was not actually "overlooked". He had been warned by a servant, and hid in his home.

Obviously, the above report constitutes only a small part of the information that I obtained during my interviews with the children. Contrary to the cruel and senseless assertion by our Ambassador to the United Nations, Mr. Andrew Young, there is absolutely no doubt but that the atrocities were perpetrated by the terrorist forces of the "Patriotic Front". I would be most happy to testify before any congressional investigatory agency concerning this atrocity, as well as others that I have witnessed while in Rhodesia. Invariably, within 24 hours following the commission of an atrocity by the communist trained, backed and supplied "Patriotic Front", either Mr. Joshua Nkomo and/or Robert Mugabe have denied that their forces perpetrated the act, and have blamed the Rhodesian Security Forces, and generally the Selous Scouts. I have been with the Selous Scouts. I know their training and their mission. I can assure you that it does not include the perpetration of atrocities. They are the "Green Berets" of the Rhodesian Security Forces.

Subsequent to the Emmanuel Mission Massacre, on July 1, Patriotic Front Terrorists butchered 14 black civilians on a black farm compound in the Headlands area, 140 kilometers east of Salisbury. A few days later, two more missionaries were killed by terrorists. Then, just a few days ago, a convoy of civilians travelling south from Kariba were ambushed and three were killed, again by "freedom fighters" of the Patriotic Front.

Senator Hayakawa, I have personally interviewed several of Mr. Mugabe's "soldiers". I concur wholeheartedly with Sir Douglas Bader, Royal Air Force fighter ace of the Second World War, who observed that the soldiers of Robert Mugabe and Joshua Nkomo are nothing more than murderers.

I have been told by members of the Patriotic Front that they are not communists simply because they use communist weapons. However, I have the original of a political training notebook taken from one of Mr. Robert Mugabe's "soldiers" that shows quite clearly what the quid pro quo is in exchange for those Soviet weapons. It is a total and complete communist indoctrination designed to align Rhodesia with the Soviet Union. Needless to say, that would be a serious blow to the West, given the existing Soviet satellites of Angola and Mozambique. South Africa would be the next target. If the Soviet Union controlled Rhodesia, Angola, Mozambique, and South Africa, the United States would be in serious jeopardy in view of the mineral resources that would be denied us.

To show the clearcut nature of the "Patriotic Front", I enclose a copy of an original poster being circulated in West Germany, together with its English translation.

I urge you to read my report on the Emmanuel Mission Massacre into the Congressional Record, as well as the text of the enclosed poster.

The internal settlement in Rhodesia must be supported. I have personally interviewed all of the members of the Executive Council to the internal settlement, which was filmed and distributed through UPI TN (London). The three black members of the Executive Council have put their necks on the chopping block along with Mr. Smith, if the internal settlement is not successful. Messrs. Nkomo and Mugabe have already stated that they would be eliminated if the Patriotic Front were successful in taking over Rhodesia.

The four members of the Executive Council, together with their constituencies, are fighting a difficult battle to maintain a democratic nation under majority rule, with one man one vote. Rhodesia has agreed to all of the terms of the Kissinger proposal, and the black leaders representing the vast majority of black Rhodesians have joined with Mr. Ian Smith in an effort to save Rhodesia. Yet, our State Department Foreign Policy is designed to compel the Rhodesian Government to deal with the "Patriotic Front" whose leaders have stated time and time again that peace can only come through the barrel of a gun, that they will not participate in an open democratic election, and that they represent and endorse elite black minority rule of the black people of Rhodesia.

I also enclose a copy of a map of Africa which clearly depicts the Soviet involvement on that continent.

Very truly yours,

ROBERT N. CLEAVES.

The CHAIRMAN. The Chair recognizes the gentlewoman from New Jersey (Mrs. MEYNER).

Mrs. MEYNER. Mr. Chairman, I rise in opposition to the Bauman amendment, the Findley amendment and in support of the Zablocki substitute.

Let us be frank about what the Bauman amendment does. It expresses American support for one side in a bloody civil war. It puts us on the side of Ian Smith and in opposition to virtually every black African state.

The Bauman amendment would lift sanctions immediately simply on the basis of the transitional government's "making significant progress toward the holding of free and fair elections." They do not have to actually hold elections. They do not have to install a new government. They do not have to be willing to talk with all population groups.

Our primary interest in Rhodesia is in a peaceful and just resolution to that conflict. We cannot do that by taking sides in a civil war. We should continue to press for the Anglo-American initiative in Rhodesia. We should continue to press for all-party talks—something Ian Smith has refused to do. We should continue to support the international sanctions that we have pledged to support.

The Zablocki substitute follows these principles. It would maintain our credibility with black African states at a critical time in Namibia and Angola as well as Rhodesia. I urge my colleagues support the Zablocki substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Delaware (Mr. EVANS).

Mr. EVANS of Delaware. Mr. Chairman, a removal of the sanctions places us firmly in support of a good-faith effort to have free elections. The policy of our government has always been and should always be to support free elections. Free elections are the cornerstone of freedom. We have an opportunity here to encourage them or to discourage them.

In the case of Rhodesia there has been substantial movement toward free elections. There has been substantial movement toward peaceful progressive change.

We need to send the forces of moderation in Rhodesia a message of encouragement because their morale is down, not only among the white citizens in Rhodesia, but among the vast majority of black citizens in Rhodesia as well.

Their morale is very, very low and understandably so.

Mr. Chairman, approximately 90 percent of that country has agreed in principle to free elections, and they are making progress.

Unfortunately the only group in Rhodesia which has not agreed to free elections is a group of Marxist guerrillas supported by the Soviet Union and Cuba. They represent only about 10 percent of the citizens in Rhodesia. If we do not remove the economic sanctions it can only be interpreted under the circumstances as support for the Marxist group and lack of support for the good-faith effort to bring about majority rule through free elections, which is sought by the vast majority of Rhodesians.

The CHAIRMAN. The Chair recognizes the gentlewoman from California (Mrs. BURKE).

Mrs. BURKE of California. Mr. Chairman, I rise in opposition to the Bauman-Findley substitute lifting sanctions on Rhodesia. I look back over the years; and see that we have aided in the progress toward an internal settlement in Rhodesia or Zimbabwe. This Congress played an important part in that movement, because the U.N. observed sanctions which it wisely voted to support were probably the greatest force for change from minority rule.

Mr. Chairman, whether you call them freedom fighters or all of those factors have played a part in "guerrillas" or exiled nationalists, you cannot deny the role of the Patriotic Front in bringing about majority rule in Rhodesia. They have also played an important part. However, this internal settlement must be viewed as fait accompli. Nor should we falsely envision it as totally acceptable to all blacks there and desirable with respect to long-term social and political achievement.

The fact is, however, at this time the internal settlement is not working; 500,000 people are held in protective villages; 50,000 refugees cannot return to their country. These people must be represented in that internal agreement as we move forward, hopefully, on December 31—to majority rule.

Mr. Chairman, I would hope until that occurrence we would not get caught up in the same kind of trap we have seen again and again and again throughout this world where we withdraw our pressure for a promise of free

elections, and they never come about. The only way we can guarantee free elections is to make sure that we hold off and maintain sanctions until those elections come about, and there is, in fact, majority rule. The maintenance of these sanctions is vital also to our international credibility. The Organization of African Unity and the rest of the Third World is watching to see if they can really trust us for support of nationalism or whether they should look elsewhere when support for majority rule is lacking.

Now during this debate we have heard much criticism leveled against the Patriotic Front as a terrorist group. Let us not forget that this group of exiled Rhodesian nationalists represent two (ZAMM and ZAPU) major opposition groups advocating majority rule in Rhodesia. As such, no practical agreement can be reached without their inclusion in the transition. But the Smith plan does not include them. Why should there be violence in the long-run, when peace is possible now? Why should sanctions be lifted until we see the fruits they hold?

Let us also be careful when we start calling the Patriotic Front a terrorist group. In an effort to exploit alleged "atrocities" and lift sanctions, it should be made clear that Rhodesian troops and police are not exempt. They have waged war on a civilian population. They have violated the sovereignty of frontline African States by crossing their borders to wage war. In one incident last May, the killing of two Red Cross workers followed the gift of a mobile clinic to Rhodesian refugees. That same clinic, distinctly marked with the internationally recognized Red Cross symbol, was destroyed by Rhodesian air force bombs. Its amputee patients from previous skirmishes were gunned down by the helicopter fire. We should not lift the sanctions against Rhodesia until we know such atrocities will cease.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I have heard the former Secretary of State, Henry Kissinger, state on more than one occasion words to this effect:

> Our decisions shall not be judged by their popularity at the time we made them, but by their consequences.

Mr. Chairman, what I fear with respect to the action proposed in the immediate lifting of the embargo is the consequences of such action. If I could believe that this would strengthen the process toward free elections, toward majority rule, if I believed that this was the action to take to resist those revolutionary forces, and the Marxist forces that are in that area, I would gladly support these proposals. However, I very much fear that to pass the Findley or Bauman proposals for immediate lifting make a decision which, in its consequences, would provide tragically wrong for the people of Africa and for our own national interests.

Mr. Chairman, I, therefore, urge the members of this committee to give their support to the Zablocki amendment, which was considered carefully in the other body, one which does recognize the progress that has been made, one which does hold out the hope for lifting the embargo, but under conditions that would be fair to the majority of the people of Zimbabwe.

Mr. Chairman, I would remind the Members that no election has been held.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, I have an amendment pending at the desk, which I will offer in the event that the amendment of the gentleman from Illinois (Mr. FINDLEY) to the substitute amendment of the gentleman from Wisconsin (Mr. ZABLOCKI) fails.

Therefore, Mr. Chairman, I ask unanimous consent that I may reserve my time for the discussion of that amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. SOLARZ. Reserving the right to object, Mr. Chairman, if the Findley amendment is defeated and the gentleman from Missouri (Mr. ICHORD) offers his amendment, at that point, after he makes his remarks, will there be time for other Members to speak on the amendment?

The CHAIRMAN. The Chair will inform the gentleman that any other Member or Members will be permitted to speak only if a unanimous-consent request is made and granted.

Mr. SOLARZ. Mr. Chairman, I withdraw my reservation of objection.

Mr. ZABLOCKI. Mr. Chairman, I do not intend to object, but I would join in the gentleman's unanimous-consent request that, if his time is reserved just prior to the consideration of his amendment, he also include my time.

Mr. ICHORD. Mr. Chairman, I would so request.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Chairman, if we lift sanctions now, as we would have to were the Findley or Bauman amendments to be adopted, we would forever forfeit the opportunity to bring all of the parties to this conflict together within the framework of an all-parties conference based on the Anglo-American proposals designed to achieve a peaceful transition to majority rule. The fact of the matter is that we just witnessed a tremendous success for American diplomacy in the successful effort to achieve an agreement between South Africa and Swapo, with respect to the future of Namibia, and that agreement makes it clear we cannot preclude the possibility that we might have a similar success in Zimbabwe.

Were we to repeal sanctions, however, our impartiality would be impaired and our ability to bring everybody together would be eliminated. The time may come when the chances for an all-parties conference no longer exists. The time may come when the people of Zimbabwe do support an internal settlement. The time may come when we want to support the internal settlement ourselves. But that time has not come yet, and if the Bauman and Findley amendments are adopted, the chances are that it never will.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, I also rise in support of the Findley amendment.

Mr. Chairman, I have long been an advocate of free elections that will lead to the establishment of majority rule with minority rights in Rhodesia.

For this reason I support the Findley amendment as a step that will encourage Rhodesia's new biracial interim government.

The new government has committed itself to give the people of Rhodesia an opportunity to determine their own destiny. In my opinion we should support the Rhodesian people in their efforts to decide their own future without interference by outside forces who seek to work their will through terrorism supported by international communism and who would impose totalitarian rule upon the people of Rhodesia.

(By unanimous consent, Mr. BROOMFIELD yielded the remainder of his time to Mr. FINDLEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman the question of lifting Rhodesian sanctions represents, to some extent, a classic confrontation between morality and practicality. This is so if one believes—as the tenor of debate in Congress seems to indicate—that the present internal settlement is probably acceptable to a majority of both black and white Rhodesians, but unacceptable to a relatively small group of determined guerrillas and to certain influential third parties, such as the leaders of the so-called frontline states.

After all, if the settlement is acceptable to a majority of Rhodesians, it begins to assume a moral aura, as the embodiment of the majority rule—or at least the transition to that rule—which two American administrations have strenuously sought the last couple years, which is a premise of our own democratic arrangements, and which is the sort of high-minded principle that we like to think undergirds our foreign policy.

At the same time, if the settlement is unacceptable to a number of important elements in the situation—even if we do not think them entitled to work their will—then an operative question becomes whether the settlement will in fact succeed, and if not, whether we should be casting our lot with a losing side. For that matter, even if the side we support does prevail, it becomes a concern as to whether that will lose us relations with others, such as the frontline states, which could be more important.

Fortunately, the policy options before us are not so limited as to afford only a stark choice between morality on the one hand, and practicality on the other. In fact, by the adoption of something similar to the Case-Javits-Moynihan amendment that passed the Senate last week, I think it is possible to incorporate a good deal of both these essential considerations into our action.

In the first place, the Senate compromise recognizes that the internal settlement does not have a perfect claim to being the morality side of the equation. Despite its seeming acceptance by large numbers of Rhodesians, the settlement is not precisely the type of majority rule that many proponents of this principle have envisaged: to some, it seems more on the order of "shared" rule than "majority" rule; to others, it even seems a continued entrenchment of white privilege. Certainly it must be credited as a drastic departure from the previous unabashed white rule; at the same time, it does seem to be true that whites continue to exert decisive influence, and this in a state where the ratio of blacks to whites is 20 to 1. The Armed Forces, police, judiciary, and bureaucracy are governed not so differently as before; and if it is true that the Parliament and the Executive Council now have black majorities, still the whites have effectively retained veto power. It is not surprising, in any event, that many are left skeptical of an arrangement identified with Ian Smith, someone who for years implacably resisted majority rule and who especially in Britain, has acquired a not inconsiderable reputation for inscrutability.

Nonetheless, such an arrangement is understandable if it is the minimum necessary to prevent the sort of wholesale white flight which would not only be the obvious human tragedy for whites, but one as well for blacks, should the economy plunge into chaos, and the government be subjected to a new and brutal power struggle. In any case, whatever the arguable merits of the arrangement from our particular point of view, it is presumptuous to think that the acceptability of it is anything to be decided by others than the Rhodesians themselves. If they feel it is majority rule—or the closest they are going to come to it, given the difficult realities of the situation—then so should we.

This brings us to the most notable flaw in the internal settlement, the fact that there have been, as yet, no elections truly to test its popularity, nor that of the various factions and leaders contending for support and power. Accordingly, the Senate made this a prime precondition of our support for any settlement that lays claim to representing the will of the people. The election should be timely, properly supervised, and open to the widest range of candidates.

The other critical element of the Senate compromise is that a good faith effort should be made to broaden the ruling coalition with some representation from the Patriotic Front. This is not merely for reasons of practicality—that the front's opposition can wreck the chances of a fledgling new government's survival—but also because the front does command enough support that the legitimacy of a settlement without it will be questioned. In particular, Joshua Nkomo has earned a reputation as the grandfather of the liberation struggle in Rhodesia, and he seems to have a major following inside the country, as well as strategic friendships with other African leaders.

If elections are held, and a good faith effort is made to broaden the settlement, and the Rhodesian people are shown in the majority to support a particular arrangement, then I think we should do our best to make it work. At that point lifting sanctions—insofar as such an action revitalizes the economy and the spirits of the new government—might just be enough to bring around some of the guerrillas and front-line states, if they still remain outside a settlement. Opinion differs on the strength of the sides; but we should not be reduced to second-guessing the reactions of non-Rhodesians in determining the direction of our policy. We cannot be unrealistic; but neither should we be content just to put our finger to the wind.

Mr. Chairman, when the Carter administration came into office, it asserted that our African policy should be put on a new footing so that it would respond more to indigenous circumstances and less to superpower politics. Africa was to be a continent for Africans, and not a diplomatic chessboard where Soviet actions conditioned American reactions. It is not a little ironic, then, that the administration now seems to be returning to the very approach it condemned. Yet there is no other interpretation of administration strategy when we are advised to reject the internal settlement not so much because it may be wrong or unpopular, but because otherwise the situation may become polarized and the Soviets and Cubans tempted to exploit it. As it is, that may or may not be; there is all too little evidence before us as to what really will happen internationally if we lift sanctions. In the second place, such considerations border on the expedient, as much as they did back when this country supported white colonialist regimes in Africa.

Mr. Chairman, for the 13 years since Rhodesia rebelled from Britain, it has been treated like an international outlaw, called on to renounce its accustomed system of government and provide a new system of, by, and for all its people, black and white. Secretary Kissinger placed us squarely behind such a purpose when he made his pathbreaking Lusaka speech in April of 1976; and this Congress confirmed such a purpose when we voted in March of the following year to repeal the Byrd amendment and tighten up our sanctions against the Rhodesian Government. Of course we did not expect an overnight revolution; in fact, it has been our intention to avoid violence and instability. Our preference has been for an orderly transition. To this end, Andy Young and David Owen have shuttled around Africa seeking support first for the so-called Anglo-American plan, and now mainly for the mere convening of an "all-parties" conference. Just like Kissinger's proposals stalled, now, too, have Young's. What alternatives remain to us?

The fact is that, finally, some semblance of the transition to majority rule we have been looking for has been occurring in Rhodesia. It may not have gone as far yet as some would like; but it is not to be scoffed at. Bishop Muzorewa and Reverend Sithole are no puppets of Ian Smith; indeed, they are almost familiar figures in Washington, having come here often in the past precisely to argue the case against Mr. Smith. It is too simple to say that they are now just power-hungry and willing to say anything; and that the tens of thousands of black Rhodesians who regularly turn out to hear the Bishop's speeches have had the wool pulled over their eyes.

Nonetheless, as I have indicated, I would postpone the lifting of sanctions until elections do as clearly as possible indicate the support enjoyed by the various contending leaders, both inside and outside the internal settlement; and until a genuine effort is made to negotiate a peace with the outside factions, poised as they are now to disrupt the internal settlement, and representing as they may some significant sentiment both inside and outside the country.

At that point, Rhodesia will truly have taken the road to majority rule, and if our past professions are to mean anything, we will be obliged to support it on its difficult journey.

● Mr. FRENZEL. Mr. Chairman, I favor the Findley amendment over the Zablocki amendment because it gives the President more flexibility in seeking an acceptable internal Rhodesian agreement. The Zablocki amendment seems to me to be too restrictive in that it allows no lifting of the embargo until after elections have been held. I can envision circumstances in which elections have been scheduled and agreements have been made, and yet we are still enforcing an embargo. In those circumstances, under the Findley amendment, our President could and should lift the embargo.

Therefore, I hope the Findley amendment will be adopted.●

Mr. FINDLEY. Mr. Chairman, an aspect of my amendment that has been overlooked in the discussion up to this point is the great flexibility that it gives to the President of the United States. Under either of the two conditions set forth in my amendment, which happen to be the identical conditions set forth in the Zablocki language, the President could instantly suspend or return to the sanctions. The amendment does lift the sanctions, but it gives the President the authority to reimpose the sanctions at any point if he finds that either of these conditions does occur, and he can do it more than once. If he would decide that free elections were in prospect on terms that he felt were just and adequate, but then later found that the promise did not exist, he could reimpose the sanctions. This would give him far greater flexibility than it has today to influence the course of events in Rhodesia, far greater flexibility than would occur under the Zablocki language.

The language that I have offered for the consideration of this Committee is

really a vote of confidence in the peaceful transition in Rhodesia. I think most Members would want to make that vote of confidence, but it also recognizes the difficulty that any Member of this body has in following closely the intimate affairs and developments within Rhodesia, and places in the hands of the President of the United States adequate continual oversight flexibility with which he can deal with whatever changes may come along. If we believe in orderly, nonviolent progress toward our ideals and goals in Rhodesia, then I believe this amendment deserves the Members' support.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. FINDLEY) has expired.

The Chair recognizes the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, you can glance at any of the popular news magazines of the last few weeks. You can see the widows, black and white, the children who have lost fathers. The mutilated bodies of small children. The slain missionaries. You can see what has happened in Rhodesia/Zimbabwe in recent months, and that battle is intensified even as we stand here today and offer sophisticated arguments.

We have in Rhodesia a black-and-white government that is offering majority rule, has set a definite date for free elections, has invited the United Nations, the British and the Americans to come in and oversee those elections, a government that has pleaded—pleaded—with the Communist guerrillas to come back and help in peaceful change. And what answer have they received in return? Thirty-nine black moderate emissaries slaughtered in cold blood a few weeks ago when they went out to negotiate with the so-called freedom fighters. Some may call these butchers "freedom fighters." But there is no freedom involved in what they seek—only bloodshed. There is no question in my mind, if the issue could be explained to each American citizen in the terms that have been used here this afternoon, which side they would support. This is the only chance we have ever had in Africa to bring about a peaceful, democratic change, with all races together and the Carter government has taken sides against it. We have the responsibility as Members of the people's branch to change that misguided policy. It can be done by supporting the Findley amendment and my own amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY) to the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI) as a substitute for the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FINDLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 229, not voting 27, as follows:

[Roll No. 634]

AYES—176

Abdnor	Fountain	Nichols
Andrews, N.C.	Frenzel	O'Brien
Andrews, N. Dak.	Frey	Pettis
Archer	Gammage	Pickle
Armstrong	Gibbons	Poage
Ashbrook	Ginn	Pressler
Ashley	Goldwater	Quayle
Badham	Goodling	Quillen
Bafalis	Gradison	Railsback
Barnard	Grassley	Regula
Bauman	Guyer	Rhodes
Beard, Tenn.	Hagedorn	Risenhoover
Bevill	Hall	Roberts
Bowen	Hansen	Robinson
Breaux	Harris	Rogers
Breckinridge	Harsha	Rousselot
Brinkley	Hefner	Rudd
Broomfield	Hightower	Runnels
Brown, Ohio	Hillis	Russo
Broyhill	Holt	Santini
Burgener	Hubbard	Sarasin
Burke, Fla.	Huckaby	Satterfield
Burleson, Tex.	Hyde	Sawyer
Butler	Ichord	Schulze
Byron	Ireland	Sebelius
Carter	Jeffords	Shuster
Cederberg	Johnson, Colo.	Sikes
Chappell	Jones, Tenn.	Skubitz
Clausen, Don H.	Kazen	Smith, Nebr.
Clawson, Del	Kelly	Snyder
Cleveland	Kemp	Spence
Cohen	Kindness	Stangeland
Coleman	Lagomarsino	Steed
Collins, Tex.	Latta	Steiger
Corcoran	Leggett	Stockman
Coughlin	Lent	Stratton
Crane	Livingston	Stump
Cunningham	Lloyd, Tenn.	Taylor
Daniel, Dan	Lott	Thone
Daniel, R. W.	Lujan	Treen
de la Garza	Luken	Trible
Derwinski	McClory	Vander Jagt
Devine	McDonald	Waggonner
Dickinson	McEwen	Walker
Dornan	McKay	Walsh
Duncan, Tenn.	Madigan	Wampler
Edwards, Ala.	Mahon	Watkins
Edwards, Okla.	Mann	White
Emery	Marriott	Whitehurst
English	Martin	Whitten
Erlenborn	Michel	Wiggins
Evans, Del.	Miller, Ohio	Wilson, Bob
Evans, Ga.	Mitchell, N.Y.	Wilson, Tex.
Evans, Ind.	Montgomery	Winn
Findley	Moore	Wydler
Flippo	Moorhead, Calif.	Young, Alaska
Flynt	Mottl	Young, Fla.
Forsythe	Myers, John	Young, Mo.
	Natcher	Zeferetti

NOES—229

Addabbo	Burton, Phillip	Fithian
Akaka	Caputo	Flood
Alexander	Carney	Florio
Ambro	Carr	Foley
Ammerman	Cavanaugh	Ford, Mich.
Anderson, Calif.	Chisholm	Fowler
Anderson, Ill.	Clay	Fraser
Annunzio	Conte	Fuqua
Applegate	Corman	Garcia
Aspin	Cornell	Gaydos
AuCoin	Cornwell	Gephardt
Baldus	Cotter	Giaimo
Baucus	D'Amours	Gilman
Beard, R.I.	Danielson	Glickman
Bedell	Davis	Gonzalez
Beilenson	Delaney	Gore
Benjamin	Dellums	Green
Bennett	Derrick	Gudger
Biaggi	Dicks	Hamilton
Bingham	Diggs	Hanley
Blanchard	Dingell	Hannaford
Blouin	Dodd	Harkin
Boggs.	Downey	Hawkins
Boland	Drinan	Heckler
Bolling	Duncan, Oreg.	Heftel
Bonior	Early	Holland
Bonker	Eckhardt	Hollenbeck
Brademas	Edgar	Holtzman
Brodhead	Edwards, Calif.	Horton
Brooks	Eilberg	Howard
Brown, Calif.	Ertel	Hughes
Brown, Mich.	Evans, Colo.	Jacobs
Buchanan	Fary	Jenrette
Burke, Calif.	Fascell	Johnson, Calif.
Burlison, Mo.	Fenwick	Jones, N.C.
Burton, John	Fish	Jones, Okla.
	Fisher	Jordan
Kastenmeier	Murphy, Pa.	Seiberling
Keys	Murtha	Sharp
Kildee	Myers, Gary	Shipley
Kostmayer	Myers, Michael	Simon
Krebs	Neal	Sisk
Krueger	Nedzi	Skelton
LaFalce	Nix	Slack
Leach	Nowak	Smith, Iowa
Lederer	Oakar	Solarz
Lehman	Oberstar	Spellman
Levitas	Obey	St Germain
Lloyd, Calif.	Ottinger	Staggers
Long, La.	Panetta	Stanton
Long, Md.	Patten	Stark
Lundine	Patterson	Steers
McCloskey	Pattison	Stokes
McCormack	Pease	Studds
McFall	Pepper	Thompson
McHugh	Perkins	Thornton
McKinney	Pike	Traxler
Markey	Preyer	Tucker
Marks	Price	Udall
Marlenee	Pritchard	Ullman
Mattox	Pursell	Van Deerlin
Mazzoli	Rahall	Vanik
Meeds	Rangel	Vento
Metcalfe	Reuss	Volkmer
Meyner	Richmond	Walgren
Mikulski	Rinaldo	Waxman
Mikva	Roe	Weaver
Miller, Calif.	Roncalio	Weiss
Mineta	Rooney	Whitley
Minish	Rose	Wirth
Mitchell, Md.	Rosenthal	Wolff
Moakley	Rostenkowski	Wright
Moffett	Roybal	Wylie
Mollohan	Ruppe	Yates
Moorhead, Pa.	Ryan	Yatron
Moss	Scheuer	Zablocki
Murphy, Ill.	Schroeder	

NOT VOTING—27

Burke, Mass.	Harrington	Quie
Cochran	Jenkins	Rodino
Collins, Ill.	Kasten	Symms
Conable	Le Fante	Teague
Conyers	McDade	Tsongas
Dent	Maguire	Whalen
Flowers	Mathis	Wilson, C. H.
Ford, Tenn.	Milford	Young, Tex.
Hammer-schmidt	Murphy, N.Y.	
	Nolan	

The Clerk announced the following pairs:

On this vote:

Mr. Symms for, with Mr. Burke of Massachusetts against.

Mr. Dent for, with Mr. Tsongas against.

Mr. Teague for, with Mr. Maguire against.

Mr. NOWAK changed his vote from "aye" to "no."

Mr. ZEFERETTI changed his vote from "no" to "aye."

So the amendment to the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ICHORD TO THE AMENDMENT OFFERED BY MR. ZABLOCKI AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BAUMAN

Mr. ICHORD. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ICHORD to the amendment offered by Mr. ZABLOCKI as a substitute for the amendment offered by Mr. BAUMAN: Amend the Substitute Amendment of the gentleman from Wisconsin by striking out all the language following the word "Rhodesia" in line 8 and inserting the following: "after December 31, 1978 unless the President shall determine that a government has not been installed, chosen by free elections in which all political groups have been allowed to participate freely."

Mr. ICHORD. Mr. Chairman, let me make it clear that the President of the United States has the power now and

has the power under all of the three amendments pending to lift the sanctions against Rhodesia any time that he wants to do so.

Here is the parliamentary situation: Rhodesia's transitional government, consisting of black leaders Bishop Muzorewa, Sithole, and Chirau, and white leader Ian Smith, has announced its intention to establish a democratic rule of government on or before December 31, 1978, with free elections in which all political groups have been allowed to participate freely.

My amendment, Mr. Chairman, does not interfere with the right of the President to conduct foreign policy. It merely says that sanctions will cease after December 31, 1978—we can once again buy chrome at a price cheaper than we are buying it from the Soviet Union and from South Africa.

PREFERENTIAL MOTION OFFERED BY MR. ICHORD

Mr. ICHORD. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. ICHORD moves that the Committee do now rise and report the bill back to the House with a recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes on the preferential motion.

Mr. ICHORD. Mr. Chairman, I must make this motion in order to finish my remarks.

The amendment merely says that the sanctions will cease after December 31, 1978, unless the President shall determine that a government has not been installed—has not been installed—chosen by free election in which all political groups have been allowed to participate freely.

If free elections are not held, the President can continue the sanctions.

I ask: Why should this freely elected body vote against an amendment such as this? It does not go into effect until December 31, 1978. It does differ from the Case-Javits amendment or the Zablocki amendment in this respect. It does not require—it does not require—the present Smith-Sithole-Muzorewa government to negotiate with the Communist-backed, admittedly backed by the Soviet Union and Cuba, faction trying to shoot itself into power in Rhodesia.

I repeat: Can we as Members of a freely elected body interfere with an internal settlement in Rhodesia by a majority of Rhodesians, both black and white?

After December 31, 1978, we will know whether they have a freely elected government. This amendment, Mr. Chairman, provides a tremendous incentive for the Rhodesians to work out their own problems in a democratic way consistent with the American moral objective of majority rule based on one man, one vote.

I have a telegram from my friend Bishop Muzorewa, asking me to read his recent letter to the Senate. Bishop Muzorewa has the support of at least conservatively 80 percent of all Rhodesians. He does not have the support of Mugabe, the admitted Marxist supported by Cuba and the Soviet Union.

Let me read from his letter to the Members:

I should like briefly to summarize the basis of my appeal to you. It has nothing to do with support for a political faction. It is an appeal for support for the democratic process in Rhodesia represented by our constitutional agreement of March 3. This agreement was freely negotiated by four separate political groups representing between them something like eighty per cent of the Rhodesian people. The Patriotic Front was invited to participate in the constitution making process but declined to do so.

And here is the clincher, Mr. Chairman. It says:

Since the conclusion of the agreement a Transitional Government has taken office in which the negotiating parties share equal power. There are two empty chairs . . .

This is Bishop Muzorewa's statement to the Senate—

. . . there are two empty chairs for the Patriotic Front in the Executive Council room and seats available to them in the Ministerial Council.

How can you vote against Rhodesia working out its own internal settlement?

I ask, Mr. Chairman, that the amendment be agreed to.

Now I yield to the gentleman from Oregon (Mr. DUNCAN).

Mr. DUNCAN of Oregon. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would just like to say that I believe the gentleman from Missouri (Mr. ICHORD) has touched upon a good solution to this problem. He lifts the embargo after the fact, after we have had a chance to have demonstrated to us the existence of free elections.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the preferential motion offered by the gentleman from Missouri (Mr. ICHORD).

Mr. Chairman, I would like to set the record straight as to just what the amendment offered by the gentleman from Missouri (Mr. ICHORD) does.

With regard to the lifting of sanctions after free elections in which all of the groups have been allowed to participate I would like to point out that there are other contingencies in the negotiations to determine the validity and efficacy of free elections as contained in the compromise that I have offered. However, his provision strikes everything after the word "Rhodesia" in my substitute, and therefore, in addition my provision for international observers of elections.

In his amendment there would be no way to secure the necessary external observation needed to determine that the elections were free and fair. Without external observers there is no way to insure this and without my provision there is no way to insure that external parties may participate in such elections or in the negotiating process.

Therefore, Mr. Chairman, I submit that Members who have voted against the Findley amendment, which we have resoundingly defeated, should vote against this proposal because it does the very same thing. The gentleman from Missouri, whether he intends this or not, is, in his language, completely gutting the compromise.

I think we should have a straight up and down vote on whether we are in support of free elections preceded by negotiations and with international mediation and observation. If we are in support of the settlement of the situation in Rhodesia, and if we do want peace in that area then we should vote down the Ichord amendment.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. Of course I yield to the distinguished gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, I would take issue with the distinguished gentleman. It does not do the same thing as the Findley amendment. The Findley amendment provided for the immediate cessation of sanctions.

As the gentleman stated, my amendment will not go into effect until after the fact. Therefore, why worry about whether it is supervised by international observers. I am quite sure that the Rhodesians will have international supervisors there. However, what is important is whether the Rhodesians work out their own problems in a democratic way, establishing majority government under a one-man-one-vote rule by democratic process.

Mr. ZABLOCKI. Mr. Chairman, I might say that the gentleman from Missouri (Mr. ICHORD) and I, the majority of us, in fact, want to accomplish what the gentleman seeks, and we are trying to do it.

Mr. Chairman, I think that the substitute I have offered is the best way of assuring that we are going to get what the gentleman from Missouri wants and what we want in that area.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for yielding.

The point is that if we lift the sanctions now based on some future date, we are making a political decision now when it is just as easy to make that decision after we have had an opportunity to see what really has happened.

That is the difference between the Ichord amendment and the gentleman's substitute.

Mr. ZABLOCKI. I thank the gentleman for his contribution, Mr. Chairman, I ask for a vote, and yield back the balance of my time.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Missouri (Mr. ICHORD).

The preferential motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. ICHORD) to the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI) as a substitute for the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ICHORD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 229, noes 180, not voting 23, as follows:

[Roll No. 635]

AYES—229

Abdnor	Forsythe	Murtha
Alexander	Fountain	Myers, John
Ambro	Frenzel	Natcher
Andrews, N.C.	Frey	Neal
Andrews, N. Dak.	Fuqua	Nichols
	Gammage	O'Brien
Applegate	Gephardt	Perkins
Archer	Gibbons	Pettis
Armstrong	Ginn	Pickle
Ashbrook	Goldwater	Poage
Badham	Gonzalez	Pressler
Bafalis	Goodling	Pritchard
Barnard	Gradison	Pursell
Bauman	Grassley	Quayle
Beard, Tenn.	Green	Quillen
Bennett	Gudger	Railsback
Bevill	Guyer	Regula
Bowen	Hagedorn	Rhodes
Breaux	Hall	Risenhoover
Breckinridge	Hammer-schmidt	Roberts
Brinkley		Robinson
Brooks	Hansen	Roe
Broomfield	Harris	Rogers
Brown, Mich.	Harsha	Rousselot
Brown, Ohio	Heckler	Rudd
Broyhill	Hefner	Runnels
Buchanan	Hightower	Russo
Burgener	Hillis	Santini
Burke, Fla.	Holland	Sarasin
Burleson, Tex.	Holt	Satterfield
Burlison, Mo.	Hubbard	Sawyer
Butler	Huckaby	Scheuer
Byron	Hyde	Schulze
Caputo	Ichord	Sebelius
Carter	Ireland	Shuster
Cederberg	Jeffords	Sikes
Chappell	Jenrette	Sisk
Clausen, Don H.	Johnson, Colo.	Skelton
	Jones, Okla.	Skubitz
Clawson, Del	Jones, Tenn.	Slack
Cleveland	Kazen	Smith, Nebr.
Cohen	Kelly	Snyder
Coleman	Kemp	Spence
Collins, Tex.	Kindness	Stangeland
Conable	Lagomarsino	Stanton
Corcoran	Latta	Steed
Coughlin	Leggett	Steiger
Crane	Lent	Stockman
Cunningham	Levitas	Stratton
D'Amours	Livingston	Stump
Daniel, Dan	Lloyd, Calif.	Taylor
Daniel, R. W.	Lloyd, Tenn.	Thone
Davis	Long, Md.	Thornton
de la Garza	Lott	Treen
Derrick	Lujan	Trible
Derwinski	McClory	Vander Jagt
Devine	McDonald	Volkmer
Dickinson	McEwen	Waggonner
Dicks	McKay	Walker
Dingell	McKinney	Walsh
Dornan	Madigan	Wampler
Duncan, Oreg.	Mahon	Watkins
Duncan, Tenn.	Mann	White
Edwards, Ala.	Marlenee	Whitehurst
Edwards, Okla.	Marriott	Whitley
Emery	Martin	Whitten
English	Mattox	Wiggins
Erlenborn	Mazzoli	Wilson, Bob
Evans, Colo.	Michel	Wilson, C. H.
Evans, Del.	Miller, Ohio	Wilson, Tex.
Evans, Ga.	Mitchell, N.Y.	Winn
Evans, Ind.	Mollohan	Wydler
Findley	Montgomery	Wylie
Fish	Moore	Young, Alaska
Fithian	Moorhead, Calif.	Young, Fla.
Flippo		Young, Mo.
Flynt	Mottl	Zeferetti
Foley	Murphy, Pa.	

NOES—180

Addabbo	Baucus	Bolling
Akaka	Beard, R.I.	Bonior
Ammerman	Bedell	Bonker
Anderson, Calif.	Beilenson	Brademas
	Benjamin	Brodhead
Anderson, Ill.	Biaggi	Brown, Calif.
Annunzio	Bingham	Burke, Calif.
Ashley	Blanchard	Burton, John
Aspin	Blouin	Burton, Phillip
AuCoin	Boggs	Carney
Baldus	Boland	Carr
Cavanaugh	Jordan	Pike
Chisholm	Kastenmeier	Preyer
Clay	Keys	Price
Conte	Kildee	Rahall
Corman	Kostmayer	Rangel
Cornell	Krebs	Reuss
Cornwell	Krueger	Richmond
Cotter	LaFalce	Rinaldo
Danielson	Leach	Roncalio
Delaney	Lederer	Rooney
Dellums	Lehman	Rose
Diggs	Long, La.	Rosenthal
Dodd	Luken	Rostenkowski
Downey	Lundine	Roybal
Drinan	McCloskey	Ruppe
Early	McCormack	Ryan
Eckhardt	McFall	Schroeder
Edgar	McHugh	Seiberling
Edwards, Calif.	Maguire	Sharp
Eilberg	Markey	Shipley
Ertel	Marks	Simon
Fary	Meeds	Smith, Iowa
Fascell	Metcalfe	Solarz
Fenwick	Meyner	Spellman
Fisher	Mikulski	St Germain
Flood	Mikva	Staggers
Florio	Miller, Calif.	Stark
Ford, Mich.	Mineta	Steers
Fowler	Minish	Stokes
Fraser	Mitchell, Md.	Studds
Garcia	Moakley	Thompson
Gaydos	Moffett	Traxler
Giaimo	Moorhead, Pa.	Tucker
Gilman	Moss	Udall
Glickman	Murphy, Ill.	Ullman
Gore	Myers, Gary	Van Deerlin
Hamilton	Myers, Michael	Vanik
Hanley	Nedzi	Vento
Hannaford	Nix	Walgren
Harkin	Nowak	Waxman
Hawkins	Oakar	Weaver
Heftel	Oberstar	Weiss
Hollenbeck	Obey	Wirth
Holtzman	Ottinger	Wolff
Horton	Panetta	Wright
Howard	Patten	Yates
Hughes	Patterson	Yatron
Jacobs	Pattison	Zablocki
Johnson, Calif.	Pease	
Jones, N.C.	Pepper	

NOT VOTING—23

Burke, Mass.	Jenkins	Quie
Cochran	Kasten	Rodino
Collins, Ill.	Le Fante	Symms
Conyers	McDade	Teague
Dent	Mathis	Tsongas
Flowers	Milford	Whalen
Ford, Tenn.	Murphy, N.Y.	Young, Tex.
Harrington	Nolan	

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. Burke of Massachusetts against.

Mr. Dent for, with Mr. Conyers against.

Messrs. EMERY, DICKS, NEAL, and APPLEGATE changed their vote from "no" to "aye."

Mr. VAN DEERLIN changed his vote from "aye" to "no."

So the amendment to the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

● Mr. FRENZEL. Mr. Chairman, the debate on this bill H.R. 12514, has centered heavily on the recommendation, by the President, that the Turkish arms embargo be lifted. It is a vexing subject, and one which needs a good deal of debate.

Like many other members of this committee, I voted in favor of the original embargo. I thought it was worthwhile, and faced with those conditions again, I would vote for it again.

But after 4 years of no improvement, I thought it was time to try a different strategy. The refugees on Cyprus deserve something better than an extension of the status quo. Recent Turkish initiatives give some hope, admittedly no guarantee, that a lifting of the embargo would lead to a return to normalcy on Cyprus.

The statement of the distinguished gentleman from New York (Mr. SOLARZ), in the RECORD of July 31, summed up my feelings on this matter, and I would like to associate myself with his remarks.●

The CHAIRMAN. For what purpose does the gentleman from California (Mr. LAGOMARSINO) rise?

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The Chair will inform the gentleman that no further debate is in order at this time.

The question is on the amendment, as amended, offered by the gentleman from Wisconsin (Mr. ZABLOCKI) as a substitute for the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

The amendment, as amended, offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN), as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment, as amended, was agreed to.

The CHAIRMAN. Are there any further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. FUQUA, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 12514) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize international security assistance programs for fiscal year 1979, and for other purposes, pursuant to House Resolution 1286, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. WIGGINS. Mr. Speaker, I demand a vote on the so-called Harkin amendment relating to aid to Chile.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

Mr. BAUMAN. Mr. Speaker, I demand a separate vote on the so-called Fascell amendment, as amended.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The

Clerk will report the the so-called Fascell amendment, as amended.

The Clerk read as follows:

Amendment: On page 13, line 2, delete all of section 16 through line 7 and insert in lieu thereof, the following:

SEC. 16. (a) Section 620(x) of the Foreign Assistance Act of 1961 shall be of no further force and effect upon the President's determination and certification to the Congress that the resumption of full military cooperation with Turkey is in the national interest of the United States and in the interest of the North Atlantic Treaty Organization and that the Government of Turkey is acting in good faith to achieve a just and peaceful settlement of the Cyprus problem, the early peaceable return of refugees to their homes and properties, and continued removal of Turkish military troops from Cyprus, and the early serious resumption of intercommunal talks aimed at a just, negotiated settlement.

(b) The Foreign Assistance Act of 1961 is amended by inserting immediately after section 620B the following new section:

UNITED STATES POLICY REGARDING THE EASTERN MEDITERRANEAN

"SEC. 620C. (a) The Congress declares that the achievement of a just and lasting Cyprus settlement is and will remain a central objective of United States foreign policy. The Congress further declares that any action of the United States with respect to section 620(x) of this Act shall not signify a lessening of the United States commitment to a just solution to the conflict on Cyprus but is authorized in the expectation that this action will be conducive to achievement of a Cyprus solution and a general improvement in relations among Greece, Turkey and Cyprus and between those countries and the United States. The Congress finds that—

"(1) a just settlement on Cyprus must involve the establishment of a free and independent government on Cyprus and must guarantee that the human rights of all of the people of Cyprus are fully protected;

"(2) a just settlement on Cyprus must include the withdrawal of Turkish military forces from Cyprus;

"(3) the guidelines for inter-communal talks agreed to in Nicosia in February 1977 and the United Nations resolutions regarding Cyprus provide a sound basis for negotiation of a just settlement on Cyprus; and

"(4) the recent proposals by both Cypriot communities regarding the return of refugees to the city of New Famagusta (V&rosha) constitute a positive step and the United States should actively support the efforts of the Secretary General of the United Nations with respect to this issue.

"(b) The Congress declares that United States policies in the Eastern Mediterranean region shall be consistent with the following principles:

"(1) The United States will accord full support and high priority to efforts, particularly those of the United Nations, to bring about a prompt, peaceful settlement on Cyprus.

"(2) All defense articles furnished by the United States to countries in the Eastern Mediterranean region will be used only in accordance with the requirements of this Act, the Arms Export Control Act, and the agreements under which those defense articles were furnished.

"(3) The United States will furnish security assistance for Greece and Turkey only when furnishing that assistance is intended solely for defensive purposes, including when necessary to enable the recipient country to fulfill its responsibilities as a member of the North Atlantic Treaty Organization, and when furnishing that assistance is not inconsistent with the objective of a peaceful settlement among all concerned parties to the Cyprus problem.

"(4) The United States shall use its influence to insure the continuation of the cease-fire on Cyprus until an equitable negotiated settlement is reached, shall encourage all parties to avoid prevocative actions, and shall oppose strongly any attempt to resolve disputes by force or the threat of force.

"(5) The United States shall use its influence to achieve the withdrawal of Turkish military forces from Cyprus in the context of a solution to the Cyprus problem.

"(c) Because progress toward a Cyprus settlement is a high priority of United States policy in the Eastern Mediterranean, the President and the Congress shall continually review that progress and shall determine United States policy in the region accordingly. To facilitate such a review the President shall, within 60 days after the date of enactment of this section and at the end of each succeeding 60-day period, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, a report on progress made toward the conclusion of a negotiated solution of the Cyprus problem. Such transmissions shall include any relevant reports prepared by the Secretary General of the United Nations for the Security Council.

"(d) In order to ensure that United States assistance is furnished consistent with the policies established in this section, the President shall, whenever requesting any funds for security assistance under this Act or the Arms Export Control Act for Greece and Turkey, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate his certification, with a full explanation thereof, that the furnishing of such assistance will be consistent with the principles set forth in paragraph (3) of subsection (b) of this section. The President shall also submit such a certification with any notification to the Congress, pursuant to section 36(b) of the Arms Export Control Act, of a proposed sale of defense articles of services to Greece or Turkey."

PARLIAMENTARY INQUIRY

Mr. ZABLOCKI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ZABLOCKI. Mr. Speaker, the gentleman from Maryland (Mr. BAUMAN) has requested a separate vote on the so-called Fascell amendment.

Mr. BAUMAN. As amended.

Mr. ZABLOCKI. I believe the gentleman meant, as amended by the Wright amendment. So the vote would be on the Fascell amendment, as amended by the Wright amendment?

The SPEAKER pro tempore. The gentleman is correct. A separate vote was demanded on the Fascell amendment and, of course, that is the Fascell amendment, as amended and agreed to.

PARLIAMENTARY INQUIRY

Mr. LEVITAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LEVITAS. Mr. Speaker, in the event that the Fascell amendment, as amended by the Wright amendment, is not agreed to, then does that mean that the language in the bill as reported by the committee would apply?

The SPEAKER pro tempore. The gentleman is correct.

Mr. LEVITAS. I thank the Chair.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the so-called Harkin amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 19, immediately after line 14, insert the following new section 21:

TERMINATION OF DELIVERIES OF DEFENSE ARTICLES TO CHILE

SEC. 21. Section 406(a)(2) of the International Security Assistance and Arms Export Control Act of 1976 is amended by adding at the end thereof the following new sentence: "After the date of enactment of the International Security Assistance Act of 1978, no deliveries of defense articles or services may be made to Chile pursuant to any sale made before the date of enactment of this section, until the Government of Chile has turned over to U.S. custody those Chileans indicted for the murder of Orlando Letelier and Ronni Moffitt.

Redesignate existing section 21 of the bill as section 22 and correct any cross references thereto.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and on a division (demanded by Mr. DOWNEY) there were—ayes 114; noes 141.

Mr. DOWNEY. Mr. Speaker on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken by electronic device, and there were yeas—166, nays 243, not voting 23, as follows:

[Roll No. 636]

YEAS—166

Addabbo	Fithian	Mineta
Ambro	Florio	Minish
Ammerman	Foley	Mitchell, Md.
Anderson, Calif.	Ford, Mich.	Moakley
	Fraser	Moffett
Anderson, Ill.	Garcia	Mottl
Applegate	Gaydos	Murphy, Pa.
AuCoin	Gephardt	Myers, Gary
Baldus	Gibbons	Myers, Michael
Baucus	Gilman	Nolan
Beard, R.I.	Glickman	Nowak
Bedell	Gore	Oakar
Bellenson	Green	Oberstar
Benjamin	Hall	Ottinger
Biaggi	Hanley	Panetta
Blanchard	Hannaford	Patterson
Boland	Harkin	Pattison
Bonior	Hawkins	Pease
Bonker	Heckler	Pickle
Brademas	Hefner	Pressler
Brodhead	Hollenbeck	Pursell
Brown, Calif.	Holtzman	Rahall
Burke, Calif.	Howard	Rangel
Burton, John	Hughes	Reuss
Burton, Phillip	Jacobs	Richmond
Caputo	Jeffords	Rinaldo
Carr	Johnson, Colo.	Roe
Cavanaugh	Jones, Okla.	Roncalio
Chisholm	Kastenmeier	Rose
Clausen, Don H.	Keys	Rosenthal
	Kildee	Roybal
Clay	Kostmayer	Ryan
Conte	Krebs	Scheuer
Corman	Krueger	Schroeder
Cornell	Leach	Sharp
Cornwell	Lederer	Solarz
D'Amours	Leggett	St Germain
Delaney	Lehman	Stark
Dellums	Lloyd, Calif.	Steers
Derrick	Long, Md.	Stokes
Dicks	Luken	Studds
Diggs	Lundine	Thompson
Dodd	McHugh	Tucker
Dornan	McKinney	Udall
Downey	Maguire	Van Deerlin
Drinan	Markey	Vanik
Early	Marks	Vento
Eckhardt	Marlenee	Volkmer
Edgar	Mattox	Walgren
Edwards, Calif.	Mazzoli	Waxman
Edwards, Okla.	Meeds	Weaver
Eilberg	Metcalfe	Weiss
Emery	Meyner	Wirth
English	Mikulski	Wolff
Evans, Ind.	Mikva	Yates
Fenwick	Miller, Calif.	Zeferetti

NAYS—243

Abdnor	Frey	Patten
Akaka	Fuqua	Pepper
Alexander	Gammage	Perkins
Andrews, N.C.	Giaimo	Pettis
Andrews, N. Dak.	Ginn	Pike
Annunzio	Goldwater	Poage
Archer	Gonzalez	Preyer
Armstrong	Goodling	Price
Ashbrook	Gradison	Pritchard
Ashley	Grassley	Quayle
Aspin	Gudger	Quillen
Badham	Guyer	Railsback
Bafalis	Hagedorn	Regula
Barnard	Hamilton	Rhodes
Bauman	Hammer-schmidt	Risenhoover
Beard, Tenn.	Hansen	Roberts
Bennett	Harris	Robinson
Bevill	Harsha	Rogers
Bingham	Heftel	Rooney
Blouin	Hightower	Rostenkowski
Boggs	Hillis	Rousselot
Bolling	Holland	Rudd
Bowen	Holt	Runnels
Breaux	Horton	Ruppe
Brinkley	Hubbard	Russo
Brooks	Huckaby	Santini
Broomfield	Hyde	Sarasin
Brown, Mich.	Ichord	Satterfield
Brown, Ohio	Ireland	Sawyer
Broyhill	Jenrette	Sebelius
Buchanan	Johnson, Calif.	Seiberling
Burgener	Jones, N.C.	Shipley
Burke, Fla.	Jones, Tenn.	Shuster
Burleson, Tex.	Jordan	Sikes
Burlison, Mo.	Kazen	Simon
Butler	Kelly	Sisk
Byron	Kemp	Skelton
Carney	Kindness	Skubitz
Carter	LaFalce	Slack
Cederberg	Lagomarsino	Smith, Iowa
Chappell	Latta	Smith, Nebr.
Clawson, Del	Lent	Snyder
Cleveland	Levitas	Spellman
Cohen	Livingston	Spence
Coleman	Lloyd, Tenn.	Staggers
Collins, Tex.	Long, La.	Stangeland
Conable	Lott	Stanton
Corcoran	Lujan	Steed
Cotter	McClory	Steiger
Coughlin	McCloskey	Stockman
Crane	McCormack	Stratton
Cunningham	McDonald	Stump
Daniel, Dan	McEwen	Taylor
Daniel, R. W.	McFall	Thone
Danielson	McKay	Thornton
Davis	Madigan	Traxler
de la Garza	Mahon	Treen
Derwinski	Mann	Trible
Devine	Marriott	Ullman
Dickinson	Martin	Vander Jagt
Dingell	Michel	Waggonner
Duncan, Oreg.	Milford	Walker
Duncan, Tenn.	Miller, Ohio	Walsh
Edwards, Ala.	Mitchell, N.Y.	Wampler
Erlenborn	Mollohan	Watkins
Ertel	Montgomery	White
Evans, Colo.	Moore	Whitehurst
Evans, Del.	Moorhead, Calif.	Whitley
Evans, Ga.	Moorhead, Pa.	Whitten
Fary	Moss	Wiggins
Fascell	Murphy, Ill.	Wilson, Bob
Findley	Murtha	Wilson, C. H.
Fish	Myers, John	Wilson, Tex.
Fisher	Natcher	Winn
Flippo	Neal	Wright
Flood	Nedzi	Wydler
Flynt	Nichols	Wylie
Forsythe	Nix	Yatron
Fountain	O'Brien	Young, Alaska
Fowler	Obey	Young, Fla.
Frenzel	Zablocki	Young, Mo.

NOT VOTING—23

Breckinridge	Harrington	Rodino
Burke, Mass.	Jenkins	Schulze
Cochran	Kasten	Symms
Collins, Ill.	Le Fante	Teague
Conyers	McDade	Tsongas
Dent	Mathis	Whalen
Flowers	Murphy, N.Y.	Young, Tex.
Ford, Tenn.	Quie	

The Clerk announced the following pairs:

On this vote:

Mr. Conyers for, with Mr. Burke of Massachusetts against.

Mr. Le Fante for, with Mr. Dent against.

Mrs. Collins of Illinois for, with Mr. Teague against.

Mr. DON H. CLAUSEN changed his vote from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SNYDER

Mr. SNYDER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SNYDER. Yes, Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SNYDER moves to recommit the bill H.R. 12514 to the Committee on International Relations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HARKIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 255, nays 156, not voting 21, as follows:

[Roll No. 637]

YEAS—255

Addabbo	Conable	Fuqua	Livingston	Oberstar	Solarz
Akaka	Conte	Garcia	Lloyd, Calif.	Obey	Spellman
Alexander	Corcoran	Gaydos	Long, La.	Ottinger	Spence
Ambro	Corman	Giaimo	Long, Md.	Patten	Stanton
Ammerman	Cornell	Gibbons	Luken	Patterson	Steers
Anderson, Ill.	Cornwell	Gilman	Lundine	Pattison	Steiger
Annunzio	Cotter	Glickman	McClory	Pease	Stockman
Ashley	Coughlin	Goldwater	McCloskey	Pepper	Stratton
Aspin	Cunningham	Gonzalez	McCormack	Perkins	Thompson
AuCoin	D'Amours	Gore	McEwen	Pettis	Thornton
Bafalis	Danielson	Gradison	McFall	Pickle	Traxler
Baldus	Delaney	Green	McHugh	Preyer	Treen
Baucus	Derwinski	Gudger	McKay	Price	Tucker
Beard, Tenn.	Dicks	Hagedorn	McKinney	Pritchard	Udall
Beilenson	Diggs	Hamilton	Madigan	Rahall	Ullman
Benjamin	Dingell	Hanley	Marks	Railsback	Van Deerlin
Biaggi	Dodd	Hannaford	Mazzoli	Rangel	Vander Jagt
Bingham	Dornan	Hawkins	Meeds	Regula	Vanik
Blanchard	Downey	Heckler	Metcalfe	Reuss	Vento
Boggs	Drinan	Heftel	Meyner	Rhodes	Waggonner
Boland	Duncan, Oreg.	Hightower	Michel	Richmond	Walgren
Bolling	Early	Hollenbeck	Mikulski	Rinaldo	Walsh
Bonker	Eckhardt	Holtzman	Mikva	Roe	Waxman
Brademas	Edgar	Horton	Milford	Rogers	Weiss
Breaux	Edwards, Calif.	Howard	Mineta	Rooney	White
Breckinridge	Eilberg	Huckaby	Minish	Rostenkowski	Whitehurst
Brodhead	Erlenborn	Hyde	Mitchell, N.Y.	Rosenthal	Wiggins
Brooks	Ertel	Ichord	Moakley	Ruppe	Wilson, Bob
Broomfield	Evans, Colo.	Ireland	Mollohan	Santini	Wilson, C. H.
Brown, Calif.	Evans, Del.	Jeffords	Moore	Sarasin	Wilson, Tex.
Brown, Mich.	Evans, Ga.	Johnson, Calif.	Moorhead, Pa.	Sawyer	Winn
Buchanan	Fary	Jordan	Moss	Scheuer	Wirth
Burgener	Fascell	Kazen	Murphy, Ill.	Seiberling	Wolff
Burke, Calif.	Fenwick	Kemp	Murphy, N.Y.	Sharp	Wright
Burke, Fla.	Findley	Kildee	Murphy, Pa.	Shipley	Wydler
Burlison, Mo.	Fish	Kostmayer	Murtha	Sikes	Yates
Burton, Phillip	Fisher	Krueger	Myers, Michael	Simon	Yatron
Carney	Flood	LaFalce	Nedzi	Sisk	Young, Fla.
Carr	Foley	Lagomarsino	Nix	Skelton	Young, Mo.
Cavanaugh	Ford, Mich.	Lederer	Nowak	Skubitz	Zablocki
Cederberg	Fowler	Leggett	O'Brien	Smith, Iowa	Zeferetti
Chisholm	Fraser	Lehman			
Cohen	Frenzel	Lent			
Coleman	Frey	Levitas			

NAYS—156

Abdnor	Forsythe	Myers, Gary
Anderson, Calif.	Fountain	Myers, John
Andrews, N.C.	Gammage	Natcher
Andrews, N. Dak.	Gephardt	Neal
Applegate	Ginn	Nichols
Archer	Goodling	Nolan
Armstrong	Grassley	Oakar
Ashbrook	Guyer	Panetta
Badham	Hall	Pike
Barnard	Hammer-schmidt	Poage
Bauman	Hansen	Pressler
Beard, R.I.	Harkin	Pursell
Bedell	Harris	Quayle
Bennett	Harsha	Quillen
Bevill	Hefner	Risenhoover
Blouin	Hillis	Roberts
Bonior	Holland	Robinson
Bowen	Holt	Roncalio
Brinkley	Hubbard	Rose
Brown, Ohio	Hughes	Rousselot
Broyhill	Jacobs	Roybal
Burleson, Tex.	Jenrette	Rudd
Burton, John	Johnson, Colo.	Runnels
Butler	Jones, N.C.	Russo
Byron	Jones, Okla.	Ryan
Carter	Jones, Tenn.	Satterfield
Chappell	Kastenmeier	Schroeder
Clausen, Don H.	Kelly	Schulze
Clawson, Del	Keys	Sebelius
Clay	Kindness	Shuster
Cleveland	Krebs	Slack
Collins, Tex.	Latta	Smith, Nebr.
Crane	Leach	Snyder
Daniel, Dan	Lloyd, Tenn.	St Germain
Daniel, R. W.	Lott	Staggers
Davis	Lujan	Stangeland
de la Garza	McDonald	Stark
Dellums	Maguire	Steed
Derrick	Mahon	Stokes
Devine	Mann	Studds
Dickinson	Markey	Stump
Duncan, Tenn.	Marlenee	Taylor
Edwards, Ala.	Marriott	Thone
Edwards, Okla.	Martin	Trible
Emery	Mattox	Volkmer
English	Miller, Calif.	Walker
Evans, Ind.	Miller, Ohio	Wampler
Fithian	Mitchell, Md.	Watkins
Flippo	Moffett	Weaver
Florio	Montgomery	Whitley
Flynt	Moorhead, Calif.	Whitten
	Motti	Wylie
		Young, Alaska

NOT VOTING—21

Burke, Mass.	Ford, Tenn.	Quie
Caputo	Harrington	Rodino
Cochran	Jenkins	Symms
Collins, Ill.	Kasten	Teague
Conyers	Le Fante	Tsongas
Dent	McDade	Whalen
Flowers	Mathis	Young, Tex.

The Clerk announced the following pairs:

On this vote:

Mr. Burke of Massachusetts for, with Mr. Dent against.

Mr. Le Fante for, with Mr. Teague against.

Mr. Tsongas for, with Mr. Jenkins against.

Mrs. Collins of Illinois for, with Mr. Conyers against.

Until further notice:

Mr. Harrington with Mr. Ford of Tennessee.

Mr. Flowers with Mr. Corcoran, of Illinois.

Mr. Mathis with Mr. McDade.

Mr. Kasten with Mr. Symms.

Mr. Whalen with Mr. Quie.

Messrs. COLEMAN, FREY, KAZEN, and KOSTMAYER changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed, H.R. 12514.

The SPEAKER pro tempore (Mr. BOLLING). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, pursuant to the provisions of House Resolution 1286, I call up the Senate bill (S. 3075) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ZABLOCKI moves to strike out all after the enacting clause of the Senate bill, S. 3075, and insert in lieu thereof the provisions of H.R. 12514, as passed, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "International Security Assistance Act of 1978".

CONTINGENCY FUND

SEC. 2. Section 451(a) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1978 not to exceed $5,000,000" and inserting in lieu thereof "fiscal year 1979 not to exceed $10,000,000".

INTERNATIONAL NARCOTICS CONTROL

SEC. 3. Section 482 of the Foreign Assistance Act of 1961 is amended by striking out "$39,000,000 for the fiscal year 1978" and inserting in lieu thereof "$40,000,000 for the fiscal year 1979 none of which may be used for the eradication of marihuana through the use of the herbicide paraquat, unless the paraquat is used in conjunction with another substance or agent which will warn potential users of marihuana that paraquat has been used on it.".

HUMAN RIGHTS

SEC. 4. (a) Paragraph (1) of section 502B (a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.".

(b) Paragraph (2) of such section is amended by striking out "It is further the policy of the United States that, except under circumstances specified in this section" and inserting in lieu thereof "Except under extraordinary circumstances which necessitate a continuation of security assistance".

(c) Paragraph (3) of such section is amended by striking out "the foregoing policy" and inserting in lieu thereof "paragraphs (1) and (2),".

(d) Section 502(b) of such Act is amended by striking out "subsection (a)(3)" and inserting in lieu thereof "subsections (a) (2) and (3)".

ASSISTANCE TO POLICE AND OTHER LAW ENFORCEMENT FORCES

SEC. 5. (a) Section 502B(a)(2) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new sentence: "No security assistance of any kind may be provided to or for the police, domestic intelligence, or similar law enforcement forces of a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights, unless the President certifies in writing that extraordinary circumstances exist warranting the furnishing of such assistance.".

(b)(1) Section 36(a) of the Arms Export Control Act is amended—

(A) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively; and

(B) by inserting the following new paragraph (5) immediately after paragraph (4):

"(5) a listing of each license issued during the preceding calendar quarter for the export of defense articles or services sold for more than $100,000, either sold under this Act or sold commercially and licensed under section 38 of this Act, to or for any forces of a country which perform police, domestic intelligence, or similar law enforcement functions, setting forth with respect to each such license—

"(A) the defense articles or services to be exported under the license and the quantity of each such article or service to be exported; and

"(B) the name and address of the consignee and ultimate user of each such defense article or service;".

(2) Section 36(b)(1) of such Act is amended in the first sentence by striking out "(8)" and inserting in lieu thereof "(9)".

(c)(1) Section 38(a) of the Arms Export Control Act is amended by inserting the following new paragraph (3) immediately after paragraph (2):

"(3) In addition to other items so designated, the President shall designate as defense articles for purposes of this section (A) those items which, on the date of enactment of the International Security Assistance Act of 1978, were classified as crime control and detection instruments and equipment under regulations issued pursuant to the Export Administration Act of 1969, and (B) any comparable items.".

(2) Paragraph (7) of section 47 of such Act is amended by striking out "(1)".

HUMAN RIGHTS AND MILITARY TRAINING

SEC. 6. Section 502B(a)(2) of the Foreign Assistance Act of 1961, as amended by section 4 of this Act, is further amended by adding at the end thereof the following new sentence: "No assistance under chapter 5 of part II of this Act may be provided to a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights, unless the President certifies in writing that extraordinary circumstances exist warranting the furnishing of such assistance.".

MILITARY ASSISTANCE

SEC. 7. (a) Section 504(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There is authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed $163,500,000 for the fiscal year 1979. Not more than the following amounts of funds available to carry out this chapter may be allocated and made available for assistance to each of the following countries for the fiscal year 1979:

"Portugal	$27,900,000
"Spain	41,000,000
"Jordan	45,000,000
"Philippines	13,100,000
"Greece	35,000,000

The amount specified in this paragraph for military assistance to any such country for the fiscal year 1979 may be increased by not more than 10 per centum of such amount if the President deems such increase necessary for the purposes of this chapter.".

(b) Section 516(a) of the Foreign Assistance Act of 1961 is amended by inserting immediately before the period at the end thereof ", and until September 30, 1981, to the extent necessary to carry out obligations incurred under this chapter during the fiscal year 1978 with respect to Indonesia and Thailand".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 8. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$270,000,000 for the fiscal year 1978" and inserting in lieu thereof "$90,000,000 for the fiscal year 1979".

INTERNATIONAL MILITARY ASSISTANCE AND SALES PROGRAM MANAGEMENT

SEC. 9. (a) Section 515 of the Foreign Assistance Act of 1961 is amended in the first sentence of subsection (b)(1)—

(1) by striking out "fiscal year 1978" and inserting in lieu thereof "fiscal year 1979"; and

(2) by striking out "Brazil" and inserting in lieu thereof "Turkey, Indonesia, Thailand".

(b) Such section is amended in subsection (d) by striking out "865 for the fiscal year 1978" and inserting in lieu thereof "800 for the fiscal year 1979".

(c) Such section is amended in subsection (f) by striking out "1976" in the third sentence and inserting in lieu thereof "1977, except that the President may assign an aggregate total of not to exceed eight additional defense attachés to such countries in order to perform security assistance management functions under this subsection".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 10. (a) Section 542 of the Foreign Assistance Act of 1961 is amended by striking out "$31,000,000 for the fiscal year 1978" and inserting in lieu thereof "$32,100,000 for the fiscal year 1979".

(b) Chapter 5 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 544. COURSES IN HUMAN RIGHTS.—Effective October 1, 1979, the curriculum of all programs funded under this chapter shall include, as a prerequisite for completion of all other courses, a course encompassing the internationally recognized principles of human rights."

ASSISTANCE FOR PEACEKEEPING OPERATIONS

SEC. 11. (a) Part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"CHAPTER 6—PEACEKEEPING OPERATIONS

"SEC. 551. GENERAL AUTHORITY.—The President is authorized to furnish assistance to friendly countries and international organizations, on such terms and conditions as he may determine, for peacekeeping operations and other programs carried out in furtherance of the national security interests of the United States.

"SEC. 552. AUTHORIZATION OF APPROPRIATIONS.—(a) There is authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, for the fiscal year 1979, $29,400,000.

"(b) Amounts appropriated under this section are authorized to remain available until expended.

"SEC. 553. EMERGENCY PEACEKEEPING ASSISTANCE.—If the President determines that, as the result of unforeseen circumstances, assistance under this chapter in amounts in excess of the funds otherwise available for such assistance is important to the national security interests of the United States, then the President may exercise the authority of section 610(a) of this Act to transfer funds available to carry out chapter 11 of part I for use under this chapter without regard to the 20 percent increase limitation contained in that section.

"SEC. 554. ADMINISTRATIVE AUTHORITIES.—Except where expressly provided to the contrary, any reference in any law to part I of this Act shall be deemed to include reference to this chapter and any reference in any law to part II of this Act shall be deemed to exclude reference to this chapter.".

(b) Section 502B(d)(2)(A) of such Act is amended by inserting "or chapter 6 (peacekeeping operations)" immediately after "and training)".

(c)(1) Section 620B of such Act is amended in paragraph (1) by inserting "or 6" immediately after "5".

(2) Section 653(b) of such Act is amended—

(A) by striking out "part V" both places it appears and inserting in lieu thereof "chapter 6 of part II"; and

(B) by inserting immediately before the comma in paragraph (2) "or assistance under chapter 6 of part II."

(3) Section 669(a) and 670(a) of such Act are each amended by inserting "providing assistance under chapter 6 of part II," immediately after "training,".

(4) Section 406(a)(1) of the International Security Assistance and Arms Export Control Act of 1976 is amended by inserting ", no assistance under chapter 6 of part II," immediately after "assistance" in the first sentence.

FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

SEC. 12. Section 1 of the Arms Export Control Act is amended by adding at the end thereof the following new paragraph:

"It is the sense of the Congress that, in implementing United States policy on conventional arms transfers worldwide, a balanced approach should be taken and full regard given to the security interests of the United States in all regions of the world and that particular attention should be paid to controlling the flow of conventional arms to the nations of the developing world. To this end, the President is encouraged to continue discussions with other arms suppliers in order to restrain the flow of conventional arms, ammunitions, and implements of war to the less developed countries of the world.".

RENEGOTIATION ACT OF 1951

SEC. 13. Section 22 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

"(c) The provisions of the Renegotiation Act of 1951 do not apply to contracts for the procurement of defense articles and defense services heretofore or hereafter entered into under this section or predecessor provisions of law.".

REPORTS ON SECURITY ASSISTANCE SURVEYS

SEC. 14. Chapter 2 of the Arms Export Control Act is amended by adding at the end thereof the following new section:

"SEC. 26. REPORTS ON SECURITY ASSISTANCE SURVEYS.—(a) The President shall report to the Congress on a quarterly basis on security assistance surveys carried out by United States Government personnel. Such reports shall specify, for each such survey authorized during the preceding calendar quarter, the country with respect to which the survey wil be conducted, the purpose of the survey, and the number of United States Government personnel who will participate in the survey.

"(b) Upon a request of the chairman of the Committee on International Relations of the House of Representatives or the chairman of the Committee on Foreign Relations of the Senate, the President shall grant that committee access to the results of security assistance surveys conducted by United States Government personnel.".

FOREIGN MILITARY SALES AUTHORIZATION AND AGGREGATE CEILING

SEC. 15. (a) Section 31(a) of the Arms Export Control Act is amended by striking out "$677,000,000 for the fiscal year 1978" and inserting in lieu thereof "$682,000,000 for the fiscal year 1978 and $674,300,000 for the fiscal year 1979".

(b) Section 31(b) of such Act is amended by striking out "$2,102,350,000 for the fiscal year 1978, of which" and inserting in lieu thereof "$2,152,350,000 for the fiscal year 1978 and $2,085,500,000 for the fiscal year 1979, of which amount for each such year".

(c) Section 31(c) of such Act is amended by striking out "the fiscal year 1978" and inserting in lieu thereof "the fiscal year 1979".

(d) Section 31(d) of such Act is amended by striking out $100,000,000" and inserting in lieu thereof "$150,000,000".

TURKEY ARMS EMBARGO

SEC. 16. (a) Section 620(x) of the Foreign Assistance Act of 1961 shall be of no further force and effect upon the President's determination and certification to the Congress that the resumption of full military cooperation with Turkey is in the national interest of the United States and in the interest of the North Atlantic Treaty Organization and that the Government of Turkey is acting in good faith to achieve a just and peaceful settlement of the Cyprus problem, the early peaceable return of refugees to their homes and properties, and continued removal of Turkish military troops from Cyprus, and the early serious resumption of inter-communal talks aimed at a just, negotiated settlement.

(b) The Foreign Assistance Act of 1961 is amended by inserting immediately after section 620B the following new section:

"SEC. 602C. UNITED STATES POLICY REGARDING THE EASTERN MEDITERRANEAN.—(a) The Congress declares that the achievement of a just and lasting Cyprus settlement is and will remain a central objective of United States foreign policy. The Congress further declares that any action of the United States with respect to section 620(x) of this Act shall not signify a lessening of the United States commitment to a just solution to the conflict on Cyprus but is authorized in the expectation that this action will be conducive to achievement of a Cyprus solution and a general improvement in relations among Greece, Turkey and Cyprus and between those countries and the United States. The Congress finds that—

"(1) a just settlement on Cyprus must involve the establishment of a free and independent government on Cyprus and must guarantee that the human rights of all of the people of Cyprus are fully protected;

"(2) a just settlement on Cyprus must include the withdrawal of Turkish military forces from Cyprus;

"(3) the guidelines for inter-communal talks agreed to in Nicosia in February 1977 and the United Nations resolutions regarding Cyprus provide a sound basis for negotiation of a just settlement on Cyprus; and

"(4) the recent proposals by both Cypriot communities regarding the return of refugees to the city of New Famagusta (Varosha) constitute a positive step and the United States should actively support the efforts of the Secretary General of the United Nations with respect to this issue.

"(b) The Congress declares that United States policies in the Eastern Mediterranean region shall be consistent with the following principles:

"(1) The United States will accord full support and high priority to efforts, particularly these of the United Nations, to bring about a prompt, peaceful settlement on Cyprus.

"(2) All defense articles furnished by the United States to countries in the Eastern Mediterranean region will be used only in accordance with the requirements of this Act, the Arms Export Control Act, and the agreements under which those defense articles were furnished.

"(3) The United States will furnish security assistance for Greece and Turkey only when furnishing that assistance is intended solely for defensive purposes, including when necessary to enable the recipient country to fulfill its responsibilities as a member of the North Atlantic Treaty Organization, and when furnishing that assistance is not inconsistent with the objective of a peaceful settlement among all concerned parties to the Cyprus problem.

"(4) The United States shall use its influence to insure the continuation of the ceasefire on Cyprus until an equitable negotiated settlement is reached, shall encourage all parties to avoid provocative actions, and shall oppose strongly any attempt to resolve disputes by force or the threat of force.

"(5) The United States shall use its influence to achieve the withdrawal of Turkish military forces from Cyprus in the context of a solution to the Cyprus problem.

"(c) Because progress toward a Cyprus settlement is a high priority of United States policy in the Eastern Mediterranean, the President and the Congress shall continually review that progress and shall determine United States policy in the region accordingly. To facilitate such a review the President shall, within 60 days after the date of enactment of this section and at the end of each succeeding 60-day period, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, a report on progress made toward the conclusion of a negotiated solution of the Cyprus problem. Such transmissions shall include any relevant reports prepared by the Secretary General of the United Nations for the Security Council.

"(d) In order to ensure that United States assistance is furnished consistent with the policies established in this section, the President shall, whenever requesting any funds for security assistance under this Act or the Arms Export Control Act for Greece

and Turkey, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate his certification, with a full explanation thereof, that the furnishing of such assistance will be consistent with the principles set forth in paragraph (3) of subsection (b) of this section. The President shall also submit such a certification with any notification to the Congress, pursuant to section 36(b) of the Arms Export Control Act, of a proposed sale of defense articles of services to Greece or Turkey.".

ADDITIONAL AUTHORIZATION FOR THE ECONOMIC SUPPORT FUND

SEC. 17. In addition to the amounts otherwise authorized to be appropriated for the fiscal year 1979 to carry out chapter 11 of part I of the Foreign Assistance Act of 1961, as added by title III of the International Development and Food Assistance Act of 1978, there is authorized to be appropriated to the President for the fiscal year 1979 to carry out that chapter with respect to Turkey $50,000,000.

SPECIAL SECURITY ASSISTANCE PROGRAM FOR THE MODERNIZATION OF THE ARMED FORCES OF THE REPUBLIC OF KOREA

SEC. 18. (a)(1) The President is authorized, until December 31, 1982—

(A) to transfer, without reimbursement, to the Republic of Korea, in conjunction with the withdrawal of the 2d Infantry Division and support forces from Korea, such United States Government-owned defense articles as he may determine which are located in Korea in the custody of units of the United States Army scheduled to depart from Korea; and

(B) to furnish to the Republic of Korea, without reimbursement, defense services (including technical and operational training) in Korea directly related to the United States Government-owned defense articles transferred to the Republic of Korea under this subsection.

(2) Any transfer under the authority of this section shall be made in accordance with all the terms and conditions of the Foreign Assistance Act of 1961 applicable to the furnishing of defense articles and defense services under chapter 2 of part II of that Act, except that no funds heretofore or hereafter appropriated under that Act shall be available to reimburse any agency of the United States Government for any such transfer or related services.

(b) In order that transfers of defense articles under subsection (a) will not cause significant adverse impact on the readiness of the Armed Forces of the United States, the President is authorized, in lieu of such transfers, to transfer additional defense articles from the stocks of the Department of Defense, wherever located, to the Republic of Korea to compensate for the military capability of defenese articles withdrawn from Korea in any case where he determines that—

(1) the transfer of specific defense articles located in Korea would have a significant adverse impact on the readiness of the United States Armed Forces;

(2) the defense capability provided by those defense articles is needed by the Armed Forces of the Republic of Korea in order to maintain the military balance on the Korean peninsula; and

(3) a comparable defense capability could be provided by less advanced defense articles in the stocks of the Department of Defense which could be transferred without significant adverse impact on the readiness of the United States Armed Forces.

The President shall report to the Congress each determination made under this subsection prior to the transfer of the defense articles described in such determination.

(c) The total value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of defense articles transferred to the Republic of Korea under this section may not exceed $800,000,000.

(d) The President shall transmit to the Congress, together with the presentation materials for security assistance programs proposed for each fiscal year through and including the fiscal year 1983, a report describing the types, quantities, and value of defense articles furnished or intended to be furnished to the Republic of Korea under this section. Each such report shall also include assessments of the military balance on the Korean peninsula, the impact of withdrawal on the military balance, the adequacy of United States military assistance, the impact of withdrawal on the United Nations and the Republic of Korea command structure, Republic of Korea defensive fortifications and defense industry developments, the United States reinforcement capability, and the progress of diplomatic efforts to reduce tensions in the area.

(e) It is the sense of the Congress that further withdrawal of ground forces of the United States from the Republic of Korea may seriously risk upsetting the military balance in that region and requires full advance consultation with the Congress. Prior to any further withdrawal the President shall report to the Congress or the effect of any proposed withdrawal plan on preserving deterrence in Korea; the reaction anticipated from North Korea; a consideration of the effect of the plan on increasing incentives for the Republic of Korea to develop an independent nuclear deterrent; the effect of any withdrawal on our long-term military and economic partnership with Japan; the effect of any proposed withdrawal on the United States-Chinese and United States-Soviet military balance; and the possible implications of any proposed withdrawal on the Soviet-Chinese military situation.

REPORTS TO CONGRESS

SEC. 19. (a) Section 8(d) of the Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971, is amended in the second sentence by striking out "Additionally, the President shall also submit a quarterly report to the Congress" and inserting in lieu thereof "The annual presentation materials for security assistance programs shall include a table".

(b) Section 408(b) of the International Security Assistance and Arms Export Control Act of 1976 is amended by striking out "(1)" and by repealing paragraph (2).

(c)(1) The International Security Assistance and Arms Export Control Act of 1976 is amended—

(A) in section 202, by striking out "(a)" immediately after "SEC. 202." and by repealing subsection (b);

(B) by repealing section 217;

(C) by repealing section 218; and

(D) in section 407, by striking out "(a)" and by repealing subsection (b).

(2) The International Security Assistance Act of 1977 is amended—

(A) in section 9—

(i) by striking out "REVIEW OF" in the section heading;

(ii) by striking out "(a)" immediately after "SEC. 9."; and

(iii) by repealing subsection (b) through (e); and

(B) by repealing section 23.

(3) Section 5 of the Emergency Security Assistance Act of 1973 is repealed.

(4) Section 17 of the Foreign Assistance Act of 1974 is repealed.

SAVINGS PROVISION

SEC. 20. Enactment of this Act shall not affect the authorizations of appropriations and limitations of authority applicable to the fiscal year 1978 which are contained in provisions of law amended by this Act (other than sections 31 (a), (b), and (d) of the Arms Export Control Act).

SEC. 21. It is the sense of the Congress that the United States should be responsive to the defense requirements of Israel, and sell Israel additional advanced aircraft in order to maintain Israel's defense capability, which is essential to peace.

UNITED STATES RELATIONS WITH THE SOVIET UNION

SEC. 22. (a) The Congress finds and declares that a sound and stable relationship with the Soviet Union will help achieve the objectives of the Foreign Assistance Act of 1961 and the Arms Export Control Act, strengthen the security of the United States, and improve the prospects for world peace.

(b) Therefore, it is the sense of the Congress that the President, in cooperation with the Congress and knowledgeable members of the public, shall make a full review of United States policy towards the Soviet Union. This review should cover, but not be limited to—

(1) an overall reevaluation of the objectives and priorities of the United States in its relations with the Soviet Union;

(2) the evolution of and sources of all bargaining power of the United States with respect to the Soviet Union and how that bargaining power might be enhanced;

(3) what linkages do exist and what linkages should or should not exist between various elements of United States-Soviet relations such as arms control negotiations, human rights issues, and economic and cultural exchanges;

(4) the policies of the United States toward human rights conditions in the Soviet Union and how improved Soviet respect for human rights might be more effectively achieved;

(5) the current status of strategic arms limitations talks and whether such talks should be continued in their present framework or terminated and renewed in some other forum;

(6) the current status of other arms control negotiations between the United States and the Soviet Union;

(7) the challenges posed by Soviet and Cuban involvement in developing countries and a study of appropriate policy responses and instruments to meet those challenges more effectively;

(8) the impact of our relations with the People's Republic of China on our relations with the Soviet Union;

(9) the impact of strategic parity on relations between the United States and the Soviet Union and on the ability of the United States to meet its obligations under the North Atlantic Treaty;

(10) United States economic, technological, scientific, and cultural relations with the Soviet Union and whether those relations are desirable and should be continued, expanded, restricted, or linked to other aspects of relations between the United States and the Soviet Union;

(11) the evolution of Soviet domestic politics and the relationship between Soviet domestic politics and its foreign policy behavior, especially towards the United States; and

(12) what improvements should be made in the institutions and procedures of United States foreign policy in order to ensure a coherent and effective policy towards the Soviet Union.

(c) The President shall report the results of the review called for by subsection (b) to the Congress not later than 90 days after the date of enactment of this Act.

REPORT ON REVIEW OF ARMS SALES CONTROLS ON NON-LETHAL ITEMS

SEC. 23. The President shall, within 120 days of enactment of this Act, report in writ-

ing to the appropriate committees of Congress the results of the review conducted pursuant to Section 27 of the International Security Assistance Act of 1977.

USE OF FOREIGN CURRENCY

SEC. 25. (a) Section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) is amended to read as follows:

"(b)(1)(A) Notwithstanding any other provision of law but subject to section 1415 of the Supplemental Appropriation Act 1953—

"(i) local currencies owned by the United States which are in excess of the amounts reserved under section 612(a) of the Foreign Assistance Act of 1961 and of the requirements of the United States Government in payment of its obligations outside of the United States, as such requirements may be determined from time to time by the President; and

"(ii) any other local currencies owned by the United States in amounts not to exceed the equivalent of $75 per day per person or the maximum per diem allowance established under the authority of subchapter I of chapter 57 of title 5 of the United States Code for employees of the United States Government while traveling in a foreign country, whichever is greater, exclusive of the actual cost of transportation:

shall be made available to Members and employees of the Congress for their local currency expenses when authorized by the Speaker of the House of Representatives, the President of the Senate, the President pro tempore of the Senate, the Majority Leader of the Senate, or the Minority Leader of the Senate, and shall be made available to Members and employees of a standing or select committee of the House of Representatives or the Senate or of a joint committee of the Congress for their local currency expenses when authorized by the chairman of that committee.

"(B) Whenever local currencies owned by the United States are not otherwise available for purposes of this subsection, the Secretary of the Treasury shall purchase local currencies for such purposes to the extent provided in annual appropriations acts.

"(2) On a quarterly basis, the chairman of each committee of the House of Representatives and the Senate and of each joint committee of the Congress shall prepare a consolidated report itemizing the amounts and dollar equivalent values of each foreign currency expended and the amounts of dollar expenditures from appropriated funds in connection with travel outside the United States, together with the purposes of the expenditures, including per diem (lodging and meals), transportation, and other purposes, and showing the total itemized expenditures, during the quarter of such committee, and of each Member or employee of such committee, and shall forward such consolidated report to the Clerk of the House of Representatives (if the committee is a committee of the House of Representatives or a joint committee whose funds are disbursed by the Clerk of the House) or to the Secretary of the Senate (if the committee is a committee of the Senate or a joint committee whose funds are disbursed by the Secretary of the Senate). Each such consolidated report shall be open to public inspection and shall be published in the Congressional Record within ten legislative days after the quarterly report is forwarded pursuant to this paragraph. In the case of the Select Committee on Intelligence of the House of Representatives, such consolidated report may, in the discretion of the chairman of the committee, omit such information as would identify the foreign countries in which Members and employees of that committee traveled.

"(3)(A) Each Member or employee who receives an authorization under paragraph (1) from the Speaker of the House of Representatives, the President of the Senate, the President pro tempore of the Senate, the Majority Leader of the Senate, or the Minority Leader of the Senate, shall within thirty days after the completion of the travel involved, submit a report setting forth the information specified in paragraph (2), to the extent applicable, to the Clerk of the House of Representatives (in the case of a Member of the House or an employee whose salary is disbursed by the Clerk of the House) or the Secretary of the Senate (in the case of a Member of the Senate or an employee who salary is disbursed by the Secretary of the Senate). In the case of an authorization for a group of Members or employees, such report shall be submitted for all Members of the group by its chairman, or if there is no designated chairman, by the ranking Member or, if the group does not include a Member, by the senior employee in the group. Each report submitted pursuant to this subparagraph shall be open to public inspection.

"(B) On a quarterly basis, the Clerk of the House of Representatives and the Secretary of the Senate shall prepared a consolidation of the reports received by them under this paragraph with respect to expenditures during the preceding quarter by each Member and employee or by each group in the case of expenditures made on behalf of a group which are not allocable to individual members of the group. Each such consolidation shall be open to public inspection and shall be published in the Congressional Record with 10 legislative days of the completion of the consolidated report."

(b) Notwithstanding section 20 of this Act, the amendment made by subsection (a) of this section shall take effect on the date of enactment of this Act.

RHODESIA EMBARGO

SEC. 25. Section 533(d) of the Foreign Assistance Act of 1961 is amended by inserting "(1)" immediately after "(d)" and by adding at the end thereof the following new paragraph:

"(2) In furtherance of the purposes of this section and the foreign policy interests of the United States, the Government of the United States shall not enforce sanctions against Southern Rhodesia, after December 31, 1978 unless the President shall determine that a government has not been installed, chosen by free elections in which all political groups have been allowed to participate freely."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize international security assistance programs for fiscal year 1979, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 12514) was laid on the table.

AUTHORIZING CLERK TO CORRECT PUNCTUATION, SPELLING, SECTION NUMBERS, AND CROSS-REFERENCES IN ENGROSSMENT OF HOUSE AMENDMENT TO S. 3075

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that in the engrossment of the House amendment to the text of the Senate bill S. 3075, the Clerk be authorized to correct punctuation, spelling, section numbers and cross-references.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 3075, FOREIGN ASSISTANCE AUTHORIZATIONS

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill S. 3075, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I hope that the gentleman from Wisconsin, in his usual fashion in defending the position of the House, will participate in the conference and strongly stand by the position the House has taken, particularly with respect to the Rhodesian sanctions.

Mr. ZABLOCKI. Mr. Speaker, if the gentleman will yield, as the gentleman full well knows, I am a man of my word, and will stand by the position of the House.

Mr. BAUMAN. Mr. Speaker, that is certainly true, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin? The Chair hears none, and without objection, appoints the following conferees: Messrs. ZABLOCKI, FASCELL, ROSENTHAL, WOLFF, HAMILTON, BINGHAM, SOLARZ, PEASE, STUDDS, BROOMFIELD, DERWINSKI, FINDLEY, and WINN.

There was no objection.

MAKING IN ORDER CONSIDERATION OF HOUSE JOINT RESOLUTION 1088, FINANCIAL ASSISTANCE TO CITY OF NEW YORK, ON MONDAY NEXT OR ANY DAY THEREAFTER

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on Monday next or any day thereafter to consider in the House as in the Committee of the Whole the joint resolution (H.J. Res. 1088) providing for financial assistance to the city of New York.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO INCLUDE EXTRANEOUS MATERIAL DURING 5-MINUTE RULE ON H.R. 12931

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of the bill H.R. 12931 that I be permitted to include certain extraneous material along with the debate on several of the amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 12240, INTELLIGENCE APPROPRIATIONS, 1979

Mr. BOLAND submitted the following conference report and statement on the

bill (H.R. 12240) to authorize appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 95-1420)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12240) to authorize appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Intelligence and Intelligence-Related Activities Authorization Act for Fiscal Year 1979."

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1979 for the conduct of the intelligence and intelligence-related activities of the following departments, agencies, and other elements of the United States Government:

(1) The Central Intelligence Agency and the Director of Central Intelligence.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

(b) The classified annex to the joint explanatory statement prepared by the Committee of Conference to accompany the Conference Report on H.R. 12240 of the 95th Congress shall be deemed to reflect the final action of the Congress with respect to the authorization of appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the United States Government, including specific amounts for activities specified in subsection (a). Copies of such annex shall be made available to the Committees on Appropriations of the House of Representatives and the Senate and to the appropriate elements of the United States Government for which funds are authorized by this Act under subsection (a).

(c) Nothing contained in this Act shall be deemed to constitute authority for the conduct of any intelligence activity which is prohibited by the Constitution or laws of the United States.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. (a) There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1979 the sum of $12,700,000 to provide the support necessary to permit the Director of Central Intelligence to fulfill his responsibility for directing the substantive functions and managing the resources for intelligence activities.

(b) For fiscal year 1979 the Intelligence Community Staff is authorized an end strength ceiling of two hundred and sixty-nine full-time empoyees. Such personnel may be permanent employees or employees on detail from other elements of the United States Government so long as they are properly counted within the ceiling and there is a mix of positions to allow appropriate representation from elements of the United States Government engaged in intelligence and intelligence related activities. Any employee who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that an employee may be detailed on a non-reimbursable basis for a period of less than one year for performance of temporary functions as required by the Director of Central Intelligence.

(c) Except as provided in subsection (b) and until otherwise provided by law, the activities of the Intelligence Community Staff shall be governed by the Director of Central Intelligence in accordance with the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403j).

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability System for the fiscal year 1979 the sum of $43,500,000.

TITLE IV—ADMISSION OF CERTAIN EXCLUDABLE ALIENS

SEC. 401. By October 30, 1979, the Attorney General shall report to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate regarding those cases during the period beginning on October 1, 1978 and ending on September 30, 1979 in which (1) the Director of the Federal Bureau of Investigation has notified the Attorney General that the Director knows or has reason to believe that an alien applying for admission into the United States is an excludable alien under the terms of Section 212(a) (27), (28), or (29) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), and (2) such alien is subsequently admitted into the United States.

And the Senate agree to the same.

EDWARD P. BOLAND,
BILL D. BURLISON,
NORMAN Y. MINETA,
J. K. ROBINSON,
For consideration of differences with the Senate on intelligence-related activities:
MELVIN PRICE,
RICHARD H. ICHORD,
BOB WILSON,
Managers on the Part of the House.

BIRCH BAYH,
WILLIAM D. HATHAWAY,
GARY W. HART,
DANIEL K. INOUYE,
BARRY GOLDWATER,
CHARLES MCC. MATHIAS, JR.,
MALCOLM WALLOP,
HARRY F. BYRD, JR.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12240) to authorize appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—INTELLIGENCE ACTIVITIES

Details of the conferees' recommendations with respect to the amounts to be authorized for appropriations for intelligence and intelligence-related activities covered under this title for fiscal year 1979 are contained in a classified annex to this statement.

In view of the differences in committee jurisdiction between the two houses over intelligence-related activities, the differences in IRA programs between the House and Senate were discussed in a special conference group. On the Senate side the group was composed of Senators Hart and Goldwater, who are members of both the Select Committee on Intelligence and the Committee on Armed Services, and Senator Byrd of Virginia, who is Chairman of the Intelligence Subcommittee of the Committee on Armed Services. On the House side, the IRA conference group was composed of Congressmen Boland, Burlison, Robinson and Mineta of the House Permanent Select Committee on Intelligence and Congressmen Price and Ichord of the House Armed Services Committee and Congressman Bob Wilson who is a member of both committees.

The amounts listed for intelligence-related activities represent the funding levels agreed to by the IRA conferees for those programs subject to annual authorization and contained in the Department of Defense Authorization bill. In addition, certain amounts have been agreed to which fall into the appropriation categories of Operations and Maintenance and Other Procurement. The House and Senate IRA conferees agree on the level of funding for IRA programs, as listed in this statement of managers. The Senate Armed Services conferees, however, note that Operations and Maintenance and Other Procurement items are not normally authorized on an annual basis in the Senate, but rather are included in the military appropriations bills. The Senate conferees intend to give further consideration during the coming year to the question of the scope of intelligence authorization in order that these asymmetries between the House and Senate be reduced.

TITLE II—INTELLIGENCE COMMUNITY STAFF

CONFERENCE ACTIONS—FISCAL YEAR 1979

[In millions]

Project	Fiscal year 1979 amended request	House action	Senate action	Conference
Personnel	$9.0	−$1.4	+$0.5	$8.2
External contracts	4.5	−1.2	−1.5	3.0
Not subject to conference	1.5			1.5
Total	15.0	−2.6	−1.0	12.7

For fiscal year 1979, a request of $9.2 million and 170 manpower spaces was submitted for authorization. This submission was subsequently amended by an OMB letter on April 28, 1978, to reflect a funding request of $15.0 million and 282 manpower spaces.

The House authorized an amount of $12.4 million and 241 positions in fiscal year 1979 for the Intelligence Community Staff. The Senate authorized $14.0 million and 298 positions in fiscal year 1979. Conferees agreed to a compromise which provides an authorized sum of $12.7 million and an end strength of 269 full-time employees. Such personnel may be permanent employees or employees on detail from other elements of the U.S. Government so long as they are properly counted within the ceiling and there is a mix of positions to allow appropriate representation from elements of the U.S. Government engaged in intelligence and intelligence-related activities. Any employee who is detailed to the Intelligence Community Staff from another element of the U.S. Government shall be detailed on a reimbursable basis, except that an employee may be detailed on a nonreimbursable basis for a period of less than 1 year for performance of temporary functions as required by the Director of Central Intelligence.

The funds and personnel authorized will provide the support necessary to permit the Director of Central Intelligence, under the new reorganization, to fulfill his responsibilities for directing the substantive functions and managing the resources for intelligence activities.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

There was no conference action required for title III as both House and Senate authorized the budget request for $43,500,000.

TITLE IV—ADMISSION OF CERTAIN EXCLUDABLE ALIENS

The House bill contained a requirement that, during fiscal year 1979, the Attorney General shall notify the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives, and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate of each admission of an alien which the Attorney General has reason to believe is excludable under certain provisions of the Immigration and Nationality Act (title 8, United States Code).

The Senate bill contained no provision with respect to the admission of certain excludable aliens.

The conference substitute is essentially the same as the House bill, except that the Attorney General is required to submit a one-time report by October 30, 1979, describing those cases during fiscal year 1979 in which the Director of the Federal Bureau of Investigation has notified the Attorney General that the Director has reason to believe an alien is excludable under certain provisions of the Immigration and Nationality Act and that alien is subsequently admitted into the United States.

It is the intent of the conferees that the report need not specify individual names and that the term "report . . . describing those cases" means a report generally describing the circumstances. The conferees agree that the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence would have the authority, under their respective authorizing resolutions, to obtain such individual names. However, the conferees recognize that such identification may in some cases disclose sensitive information about intelligence sources and methods, and that such identification is unnecessary in the report of the Attorney General required by this legislation. Further, the conferees intend that the FBI should notify the Attorney General only in cases where an alien would be a legitimate target of FBI foreign counterintelligence or foreign counterterrorism intelligence concern.

The statutory requirement for a report of the Attorney General is not intended to substitute for, or supersede, the authority of the Intelligence Committees to request and receive information under their respective authorizing resolutions. The purpose of requiring such a report by statute is to express the shared concern of the conferees that the U.S. Government may regularly be admitting excludable aliens contrary to the best advice available in the government concerning counterintelligence. The conferees are concerned that the counterintelligence priorities of the nation may be askew, and the FBI's foreign counterintelligence and foreign counterterrorism intelligence burdens may thus be unnecessarily heavy.

The conferees note that the National Security Council is taking positive action to assure that the intelligence agencies of the United States Government and the Departments of State and Justice work together to protect the United States from hostile foreign intelligence and foreign terrorist activities. The conferees attach great importance to foreign counterintelligence and this provision is a reflection of that concern. There is no intent of minimizing the very difficult policy questions that counterintelligence problems pose. It is all the more necessary, therefore, to have a closely coordinated effort on the part of all the government agencies involved. The conferees hope that this legislation may stress the need to bring about a balanced perspective in the interagency decision-making process regarding the FBI's recommendations for visa denials.

EDWARD P. BOLAND,
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For consideration of differences with the Senate on intelligence-related activities:
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MALCOLM WALLOP,
HARRY F. BYRD, Jr.
Managers on the Part of the Senate.

Mr. BOLAND. Mr. Speaker, at the same time I submit the above conference report, I wish to call to the attention of the Members of the House that the classified annex which accompanies the conference report will be made available to all Members in the committee room of the House permanent Select Committee on Intelligence until the conference report is considered by the House.

BUREAU OF LAND MANAGEMENT AUTHORIZATION

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10787) to authorize appropriations for activities and programs carried out by the Secretary of the Interior through the Bureau of Land Management, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That pursuant to section 318(b) of the Federal Land Policy and Management Act of 1976 (31 U.S.C. 1301 note), there are hereby authorized to be appropriated the following sums for activities and programs administered through the Bureau of Land Management:

(a) for management of lands and resources, excluding emergency firefighting and rehabilitation: $312,100,000 for fiscal year 1979, $329,300,000 for fiscal year 1980, $361,300,000 for fiscal year 1981, and $393,300,000 for fiscal year 1982;

(b) for land acquisition, construction, and maintenance: $22,600,000 for fiscal year 1979, $22,000,000 for fiscal year 1980, $25,000,000 for fiscal year 1981, and $27,000,000 for fiscal year 1982;

(c) for implementation of the Act of October 20, 1976 (31 U.S.C. 1601): $105,000,000 and such additional sums as are necessary for payments for fiscal year 1979, $108,000,000 and such additional sums as are necessary for payments for fiscal year 1980, $111,000,000 and such additional sums as are necessary for payments for fiscal year 1981, and $114,000,000 and such additional sums as are necessary for payments for fiscal year 1982;

(d) for implementation of section 317(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1747): $40,000,000 for loans for fiscal year 1979, $50,000,000 for loans for fiscal year 1980, $57,000,000 for loans for fiscal year 1981, and $65,000,000 for loans for fiscal year 1982; and

(e) such additional or supplemental amounts as may be necessary for increases in salary, pay, retirements and other employee benefits authorized by law, and for other nondiscretionary costs.

(f) Paragraph (c) of section 317 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 2771; 43 U.S.C. 1701, 1747) is amended to read as follows:

"(c)(1) The Secretary is authorized to make loans to States and their political subdivisions in order to relieve social or economic impacts occasioned by the development of minerals leased in such States pursuant to the Act of February 25, 1920, as amended. Such loans shall be confined to the uses specified for the 50 per centum of mineral leasing revenues to be received by such States and subdivisions pursuant to section 35 of such Act.

"(2) The total amount of loans outstanding pursuant to this subsection for any State and political subdivisions thereof in any year shall be not more than the anticipated minimal leasing revenues to be received by that State pursuant to section 35 of the Act of February 25, 1920, as amended, for the ten years following.

"(3) The Secretary, after consultation with the Governors of the affected States, shall allocate such loans among the States and their political subdivisions in a fair and equitable manner, giving priority to those States and subdivisions suffering the most severe impacts.

"(4) Loans made pursuant to this subsection shall be subject to such terms and conditions as the Secretary determines necessary to assure the achievement of the purpose of this subsection. The Secretary shall promulgate such regulations as may be necessary to carry out the provisions of this subsection no later than three months after the enactment of this paragraph.

"(5) Loans made pursuant to this subsection shall bear interest equivalent to the lowest interest rate paid on an issue of at least $1,000,000 of tax exempt bonds of such State or any agency thereof within the preceding calendar year.

"(6) Any loan made pursuant to this subsection shall be secured only by a pledge of the revenues received by the State or the political subdivision thereof pursuant to section 35 of the Act of February 25, 1920, as amended, and shall not constitute an obligation upon the general property or taxing authority of such unit of government.

"(7) Notwithstanding any other provision of law, loans made pursuant to this subsection may be used for the non-Federal share of the aggregate cost of any project or program otherwise funded by the Federal Government which requires a non-Federal share for such project or program and which provides planning or public facilities otherwise eligible for assistance under this subsection.

"(8) Nothing in this subsection shall be construed to preclude any forbearance for the benefit of the borrower including loan restructuring, which may be determined by the Secretary as justified by the failure of anticipated mineral development or related revenues to materialize as expected when the loan was made pursuant to this subsection.

"(9) Recipients of loans made pursuant to this subsection shall keep such records as the Secretary shall prescribe by regulation, including records which fully disclose the disposition of the proceeds of such assistance and such other records as the Secretary may require to facilitate an effective audit. The Secretary and the Comptroller General of the United States or their duly authorized representatives shall have access, for the purpose of audit, to such records.

"(10) No person in the United States shall, on the grounds of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or part with funds made available under this subsection.

"(11) All amounts collected in connection with loans made pursuant to this subsection, including interest payments or repayments of principal on loans, fees, and other moneys, derived in connection with this subsection, shall be deposited in the Treasury as miscellaneous receipts.".

SEC. 2. The Act entitled "An Act to provide for the establishment of the King Range National Conservation Area in the State of California", approved October 21, 1970 (Public Law 91-476), is amended—

(1) by adding at the end of subparagraph (B) of section 5(3) the following sentence: "Any such payment made to the Secretary shall be deposited in the Treasury as a miscellaneous receipt.";

(2) by inserting "(a)" in section 10 after "SEC. 10."; and

(3) by adding at the end of section 10 the following new subsection:

"(b) In addition to any amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated for fiscal years beginning on or after October 1, 1980, for the acquisition of lands and interests in lands under this Act—

"(1) from the Land and Water Conservation Fund (established under the Land and Water Conservation Fund Act of 1965) not to exceed $5,000,000, and

"(2) from any other sources an amount not to exceed the sum of (A) $$5,000,000, and (B) an amount equal to the amount deposited in the Treasury under section 5(3)(B) of this Act after the date of the enactment of this subsection,

such sums to remain available until expended.".

The Clerk read the House amendment to the Senate amendment, as follows:

On page 6, line 10, change "1980" to "1979".

Mr. RONCALIO (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming (Mr. RONCALIO) to dispense with further reading?

There was no objection.

The SPEAKER pro tempore. Is there objection to the first request of the gentleman from Wyoming (Mr. RONCALIO)?

Mr. DON H. CLAUSEN. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman to explain, and I yield to the gentleman from Wyoming for that purpose.

Mr. RONCALIO. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H.R. 10787 with the Senate amendment thereto, and urge the adoption of the Senate amendment with one minor technical correction.

Mr. Speaker, H.R. 10787 as amended is essentially the same bill which passed this body by two-thirds vote on July 11. The legislation authorizes appropriations for programs, functions, and activities of the Bureau of Land Management for the next 4 years, and was amended by the House Interior Committee to increase moneys for mining claim recordation, mining claim patent application processing, accelerated soil, wildlife and vegetation inventories and other items. The Senate has concurred with our recommendations for increases, and returns the bill to us with only one change in our recommendations. That change would delete an authorization of $10 million per year which was designed to enable BLM to pay its fair share in the processing of rights-of-way applications over Federal lands. This matter is currently in litigation, and both the Senate and the administration feel very strongly that it would be unacceptable to potentially prejudice this case by authorizing funding of the very item at issue. While I have strong reservations about accepting this Senate change, I believe that in the interest of moving this important legislation forward, we must give in on this issue. However, I would note for the record that the House Interior Committee felt the BLM budget should contain authorization for BLM to pay a portion of the cost of processing rights-of-way applications, and the committee will monitor the issue closely as the current litigation proceeds.

The Senate also amended H.R. 10787 to authorize increases in land acquisition and land exchange funding for the King Range Natural Conservation Area in California. Our colleague, DON CLAUSEN, will explain the reasons for this change in greater detail, but I would note that the $10 million increase recommended by the Senate, should enable the completion of all land negotiations in the King Range area.

Finally, I would like to express my thanks to all parties involved in helping to include in this bill a measure which is of great importance to the State of Wyoming, as well as many other States impacted by mineral development on Federal lands. This provision of the bill will eliminate the administration's current objection to the implementation of a loan program to the States to help them cope with the social, economic and environmental impacts associated with mineral development. To date, the loan program has failed to materialize because the Secretary, at the request of the Treasury Department, has refused to lend money at the 3-percent rate of interest authorized by the Federal Land Policy and Management Act of 1976. Both Houses of Congress have recognized Treasury's concern in this matter, and H.R. 10787 would solve the dilemma by raising the rate from 3 percent to the rate at which States issue tax-exempt bonds—or roughly 4½ to 5½ percent. This will allow the goals of the mineral loan program to be fulfilled, while at the same time guaranteeing that the interest rates charged on such loans are not unduly low.

Mr. DON H. CLAUSEN. Mr. Speaker, I thank the gentleman for yielding.

The purpose of the amendment is to make a necessary technical correction in the bill. It is our intention that there be authorized to be appropriated funds for land acquisition in the King Range National Conservation Area beginning in fiscal year 1980. Therefore, it is necessary to insert the appropriate date in the legislation which will enable the land acquisition program to continue as intended.

The King Range National Conservation Area Act was signed in October 1970 establishing a unique and innovative conservation area where preservation and multiple use of resources would be possible under a coordinated land management program administered by BLM.

To establish the area, the Department of the Interior acting through the Bureau of Land Management was directed to acquire the private lands which were intermingled in a checkerboard fashion with public lands. The acquisition of these private lands would be by exchange or, where exchange was not possible, by purchase. The Bureau of Land Management has been working toward this consolidation objective and has been quite successful in their efforts.

However, additional funds are necessary to complete the program. The original act provided for an authorization of $1.5 million. The ceiling was set at a low level to encourage the use of the exchange mechanism. We anticipated at that time that it would be necessary at a future date to raise this ceiling. The Senate language raises the ceiling by an additional $10 million to enable the completion of King Range. I strongly support this provision.

The Senate language also provides that any funds received by the Secretary from private landowners who are exchanging their lands for public lands worth more in value will be deposited in the Treasury with a credit made against the authorization ceiling. The original legislation did not provide for the reuse of these incoming payments. The Senate language corrects this accounting error and further assures us that we will have the funds necessary to complete all land exchanges and purchases.

I urge my colleagues to support this legislation with the technical amendment so that we can move ahead toward completion of King Range.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the first request of the gentleman from Wyoming?

There was no objection.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT WHILE HOUSE IS IN SESSION ON TOMORROW, AUGUST 3, FOR CONSIDERATION OF H.R. 13059, WATER RESOURCES BILL

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may be permitted to sit during the session of the House tomorrow for consideration of the bill H.R. 13059, the water resources bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. DON H. CLAUSEN. Mr. Speaker, reserving the right to object, and I shall not object, I do so only for the purpose of stating that I concur in the request of the chairman of the committee, the gentleman from California (Mr. JOHNSON).

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, I was unable to be present on rollcall No. 631, the Stark amendment to H.R. 12514, the foreign aid authorization bill, because I was testifying before the Senate Subcommittee on the Constitution regarding the extension of the equal rights amendment. Had I been present I would have voted "no."

FOREIGN AID APPROPRIATION, 1979

Mr. LONG of Maryland. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 12931) making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1979, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. LONG).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 12931, with Mr. KAZEN in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Monday, July 31, 1978, all time for general debate on the bill had expired.

The Clerk will read.

The Clerk read as follows:

ECONOMIC ASSISTANCE

Agriculture, rural development, and nutrition, Development Assistance: For necessary expenses to carry out the provisions of section 103, $610,000,000: *Provided*, That the amounts provided for loans to carry out the purposes of this paragraph shall remain available until expended.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida, Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: On page 2, line 11: Strike "$610,000,000" and insert in lieu thereof "$561,000,000".

Mr. YOUNG of Florida. Mr. Chairman, first I would like to say to our colleagues in the Chamber that finally, after four or five reschedulings, and one false start, that this is the foreign aid appropriation bill for fiscal year 1979.

As the manager of the bill on the minority side I want you to know that I am going to do my very best to expedite consideration of this legislation and of all of the amendments, and I understand that they will be numerous and quite controversial. May I also say that there have been some 60 amendments that have been printed in the CONGRESSIONAL RECORD that are to be considered on this bill. As I say, a lot of these amendments will be confusing and controversial and they will also be complicated, and I wanted to let the Members know that should they possibly be confused or wish to secure information that there is a fully equipped staff in room H–140, staffed by representatives of the Treasury Department and the State Department who, I am sure, will be glad to answer any questions that the Members might have.

Mr. Chairman, the amendment that I offer at this point, I want to assure you, is not dilatory, and it is not aimed at being against anybody, or anything like that, this amendment is offered in the spirit of what I believe the American people want their Congress to be aware of.

That is, there are a lot of dollars in many of our programs, not only foreign aid dollars, which are being spent and do not need to be spent.

Mr. Chairman, I submit that this amendment will solve one of those problems. I am not going to try to tell anybody how to vote on this amendment. Members should not necessarily follow my direction. If any, they should follow the direction of their constituents.

Mr. Chairman, this amendment will give us an opportunity to save $49 million of our constituents' tax dollars. It does not adversely affect anybody except the one who hands out the checks and really feels great on the day he hands out the checks.

What this amendment does is to take $49 million from the economic assistance account. That $49 million is intended to come from the program scheduled for India.

Please understand that I have nothing against India. I love India, but this $49 million in this program is to purchase Indian rupees to be used in India.

Mr. Chairman, I call to the attention of our colleagues the fact that in 1974 we just gave the Indians $2.2 billion of rupees that we owned but could not spend anywhere except in India. This program that we have before us intends to purchase an additional $49 million worth of rupees to be spent in India. I submit that in addition to the $2.2 billion we have given, wrote off in 1974, as of today, we have approximately $810 million worth of rupees already in India which we own but which cannot be taken out of India and cannot be spent anywhere except in India.

Mr. Chairman, I submit that this $49 million worth of rupees ought to be taken from that $810 million which we have already paid for. I do not think we need to appropriate the additional $49 million, and I submit that no program will be adversely affected by the approval of this amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, can the gentleman tell us what the reason is for buying the rupees?

Mr. YOUNG of Florida. I would say to the gentleman that I would be just as interested in the answer to that question as he would be. I do not know. Why buy $49 million worth of rupees in addition, since we already have $810 million worth over there today?

Mr. Chairman, I yield back the balance of my time.

Mr. WOLFF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hate to oppose the amendment of my colleague from Florida since he and I have worked together on a great number of amendments in very similar areas to the one that he has offered now.

In fact, a number of years ago—I believe it was in 1970—this House passed an amendment that I offered which forced the State Department and all aid programs to use up the rupees before dollars were expended.

However, I urge my colleagues not to support this amendment. The reason for my opposition is this: The gentleman from Florida (Mr. YOUNG) and I have both worked against the idea of the spread of Soviet influence throughout the world. India today is the largest and most populous democracy in the world, whereas, only a short time ago, India, under Indira Ghandi was totalitarian and political opposition was repressed. Now, however, democracy has been substantially restored. Prime Minister Desai has carried out democratic reforms there and he has departed from India's previously nonalined position, when it was tilting toward the Soviet Union. Desai has returned India to a position of neutrality, and it is really tilting toward us, as evidenced by his visit only recently to this country.

The United States has been very concerned about the Soviet naval buildup, and the United States has been equally

concerned about Soviet influence in the Indian Ocean.

Mr. Chairman, it is important that India remain neutral and that we help to protect the neutrality of that region. The Soviets have been trying to spread their influence into all parts of the globe.

Mr. Chairman, many of our colleagues have expressed their concern about Soviet encroachment in Africa and in the Middle East. The recent coup in Afghanistan has increased Soviet influence in that nation.

Bringing pro-Soviet influence back to India once again would be a mistake.

Mr. Chairman, I am not saying that we should buy our friends, but we should not insult them needlessly and without justification. India is one of the last nations on Earth that Members of this body should be rampaging against. India deserves our praise for returning to democracy and deserves our aid for their one-half billion destitute people.

Mr. Chairman, there is such a small amount involved here. To single India out at this time would be a grave mistake for this committee to make.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

What is the reason for buying rupees?

Mr. WOLFF. It is a rural electrification program. It is not a question of buying rupees. The aid is to go toward a nutrition program and a rural electrification program for the poor of India. The rupees now in our account cannot be used because they are not permitted to be spent in that fashion.

Mrs. FENWICK. Does the gentleman mean that the $810 million that are there cannot pay for putting up the dams or do the agricultural work? Why not?

Mr. WOLFF. They cannot because they have to be appropriated by the Congress. That was a restriction we placed upon these rupees when the aid was originally given. We did give back to India about 2 years ago—against my recommendations—$2.5 billion of rupees that could be spent without appropriation. These funds however require appropriations.

Mrs. FENWICK. Why do we not appropriate from the $810 million? Why do we appropriate an extra $49 million?

Mr. WOLFF. I am sorry; I cannot hear you.

Mrs. FENWICK. Why do we not appropriate out of the $180 million that money to be spent instead of an extra $49 million from the taxpayers?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding. I think the basic question here is whether we are going to transfer resources to India for these useful projects. If we simply tell them to use rupees they have already got, that does not help their economy. That is simply not adding to their resources. A total of $49 million is not a large amount in terms of India's total budget; it is not going to make the difference between whether India survives economically or democratically or not, but it does make sense for us to embark once again on a modest program of assistance to India in the agricultural field. Their needs are great, and what is more, the committee's recommendation is in response to action by Congress recommending that the AID develop a new program for India along agricultural lines.

Mrs. FENWICK. If the gentleman will yield, I cannot understand why we cannot do it from the $810 million.

The CHAIRMAN. The time of the gentleman from New York (Mr. WOLFF) has expired.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I really hope that this amendment will not be adopted on the basis of this rather arcane argument concerning the utilization of Indian rupees. The fact of the matter is that the purpose of a foreign aid program is to transfer resources from the developed to the developing countries. If this amendment were adopted what we would, in effect, be saying to the Indians is that we are prepared to establish a foreign aid program in your country, but it is going to have to be paid for with your resources. They could do that themselves. They do not need us in order to be able to do it.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I will be happy to yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding. They could be given some of our $810 million worth of rupees. They belong to us?

Mr. SOLARZ. As I understand it, those $810 million rupees in effect exist in a paper account, and that in the absence of this kind of exchange, the Indian Government would have to put $49 million worth of rupees into the account, and take it from somewhere else in their economy in order to fund this program.

Mrs. FENWICK. Where did that money come from? Where are the $810 million now?

Mr. SOLARZ. On that question I will defer to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. The gentlewoman from New Jersey (Mrs. FENWICK) asked where they came from. They came from Indian repayments of old U.S. loans to India, and they are planned now to be used to cover expenses of our embassy in India over the next 8- to 10-year period. That is in fact, as the gentleman suggested, a paper account. It is not a lot of cash you can pick up because we intend to use it for perfectly rational purposes.

Mr. SOLARZ. The real question before the House is whether or not we want to diminish by $49 million the amount of aid we are prepared to make available to India for the 1979 fiscal year. I would submit that if this amendment is adopted, it will be widely interpreted, certainly in India, as an effort on the part of the Congress of the United States to substantially reduce the level of our economic assistance to India. That is the basis on which the question should be addressed and resolved. May I say in those terms that in light of the fact that India has embarked once again on the path of democracy, in one of the most dramatic developments that has taken place in the post-World War II era, by repudiating dictatorship and embracing democracy, it has made it clear that even the poorest people in the world still desire the right to be able to determine their own future, and under those circumstances we ought to be appropriating more rather than less money for India.

Mrs. FENWICK. Is this the only money that is going to India? What are the total moneys going to India?

Mr. SOLARZ. The total amount going to India in this bill, as I understand it, is $90 million. If this amendment is adopted, it will in effect be reduced by $49 million. Consequently, I think we ought to reject it, but I think we ought to reject it for another reason as well.

I think we have a vital national interest in making it clear to the hundreds of millions of people living in the developing world that democracy and development are not incompatible. In India we have one of the few developing countries in the world that appears to have a genuine commitment to democracy. God knows they have plenty of problems.

I would submit that for us to cut back on our level of aid to India would make it more difficult for them to advance economically and would, in the process, undermine one of our most important and fundamental national objectives.

We do not hesitate to cut back time and time again the amount of money we are giving to repressive regimes all over the world in order to send signals that we disapprove of what they are doing. Here is a country which is doing the right thing. It has embraced democracy. It has hundreds of millions of poor people that desperately need our assistance.

If we adopt this amendment, we will be cutting back, rather than increasing our level of aid.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, there is one element in all this that has escaped this debate; that is the fact that the $800 million that is involved in rupees are committed to the normal operation of our embassies and the State Department over in India for the next 10 to 12 years.

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I would like to point out, first, to the gentlewoman from New Jersey that this one $90 million program is only one small part of the aid we are

giving to India. Last year the World Bank gave India $296 million.

IDA gave India 40 percent of all its money, $622 million.

Now the gentleman from New York says that the purpose of these foreign aid programs is to transfer money from developed to the developing countries. We have certainly done a big job of that to India. We sent them over $9 billion of our taxpayers' hard-earned money since 1946.

In the last 4 months we have sold 1,800,000 ounces of our gold in an effort to bolster our sagging dollar. Who has been the biggest purchaser of that gold? India, purchasing $2 million of it.

Last year India loaned us $750 million to help us pay our bills, and we are sending your tax money to India to pay the interest on that.

India has 20 million tons of wheat in storage. Last year India gave over half a million metric tons of grain to Communist countries, and sold Russia 1,400,000 tons of wheat.

I think this cut is very much in order.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentlewoman yielding.

It seems to be the usual way when we cannot rebut an argument, we create a new argument. We create a strawman.

No one who favors this amendment is arguing that we ought not to support India, an emerging democracy. Of course, we want to support India. Of course, we do not want our efforts to be interpreted as not being in support of a new democracy. Obviously, that is not the case, and I am sure the gentlemen who argued the other way know that is not the case.

We are not trying to stop an aid program to India. First of all, there is $60 million in reprograming for India in AID right now. This program is an additional $90 million. That is $150 million.

Now, that is $150 million for India that was not appropriated last year, nor the year before, nor the year before that, nor the year before that, because these are new programs.

The gentleman from New York says we are cutting back on the level of aid to India or we are going to greatly diminish our aid to India. That is just not the case. This is a new program to India.

All we are saying is that as far as the $49 million is concerned, the amount which is intended to buy rupees, we ought to cut that out, because we already own $810 million worth of rupees in India. All the arguments in the world are not going to change that.

Before the gentlewoman from Nebraska (Mrs. SMITH) reclaims her time, I want to say for all the world to know, Mr. Chairman, that I am for democracy all over the world, including India, and those who would try to imply that is not the case do not do themselves or this House a service. All I am trying to do here is to keep our taxpayers from having to come up with $49 million that they do not really need to spend, and that will not affect this program one rupee.

Mr. ROUSSELOT. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentlewoman for yielding.

Did I understand my distinguished colleague to say that some of these funds that we have given to India in this program have been used to buy gold?

Mrs. SMITH of Nebraska. They have used their own funds to buy our gold that we were selling, yes.

Mr. ROUSSELOT. To buy gold?

Mrs. SMITH of Nebraska. Yes, to buy gold.

Mr. ROUSSELOT. How does that help the poor people in India?

Mrs. SMITH of Nebraska. That is my question.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentlewoman for yielding.

This gold purchase was from the International Monetary Fund just a few short weeks ago. The gold is going to be used for ornamental purposes, according to what I am told by one of our colleagues, while we have to sell our gold to try to bolster the dollar. In a 6-month period we are selling 61 metric tons of gold to try to bolster the dollar on the world market, but even that is not working.

At the same time India is able to buy gold from the International Monetary Fund. The International Monetary Fund is selling the gold to them. If the gentleman wants to know how India paid for that gold, that is a very interesting question.

Mr. ROUSSELOT. Mr. Chairman, if the gentlewoman will yield further, I agree that is a very interesting question. I thought all this money was supposed to be used to help the downtrodden and the poor people.

Mr. YOUNG of Florida. Mr. Chairman, if you inquire of the International Monetary Fund, they will tell you only that the answer is confidential as to how India paid for the gold.

Mr. ROUSSELOT. Confidential?

Mr. YOUNG of Florida. Yes, I asked them how India paid for the gold and what would be done with the proceeds from the gold sales. They told me, but said it was confidential.

The CHAIRMAN. The time of the gentlewoman from Nebraska (Mrs. SMITH) has again expired.

(On request of Mr. ROUSSELOT, and by unanimous consent, Mrs. SMITH of Nebraska was allowed to proceed for 2 additional minutes.)

Mr. ROUSSELOT. Mr. Chairman, will the gentlewoman yield further?

Mrs. SMITH of Nebraska. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, if I could, I would like to ask this question:

I really find it difficult to believe that it is possible today that India is using some of this funding that we give them to buy gold. We have been told that this is to help the starving and the poor and the downtrodden, and yet it turns out they are buying gold. Is that what the committee found out?

Mr. BINGHAM. Mr. Chairman, will the gentlewoman yield to me for a response to that question?

Mrs. SMITH of Nebraska. Yes, I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, India is a big country. India has wealthy people and middle-class people, and it also has the largest number of poor people of any democratic country in the world. It also has a very substantial foreign trade. It has had some good years, as far as harvests are concerned, after a series of bad years.

The trading in gold is part of its foreign trade. It represents less than half of 1 percent of its total foreign trade.

Should we tell India that we do not want them buying precious metals? That is not really appropriate to the issue, in my opinion.

Mr. ROUSSELOT. Mr. Chairman, will the gentlewoman yield to me so I may respond to that observation?

Mrs. SMITH of Nebraska. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, my response to that is that I find it difficult to ask our taxpayers—and this money comes out of our Treasury—to be sponsoring that kind of activity.

Mr. BINGHAM. We are not. We are not doing that.

Mr. ROUSSELOT. Mr. Chairman, I was surprised to learn about this, because originally I understood foreign aid was basically to help the downtrodden and the poor to purchase food, et cetera.

Mr. BINGHAM That is correct.

Mr. ROUSSELOT. And when I find out they are possibly using these funds to purchase gold, that is kind of disappointing to me. I am sure my taxpayers just do not understand that.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield further?

Mrs. SMITH of Nebraska. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman. I would say to the gentleman from California (Mr. ROUSSELOT) that these taxpayers of ours might not understand something else that India does with our money. They have purchased $774 million worth of our national debt, and we not only have to pay the money back to them but we also pay interest on that money.

The CHAIRMAN. The time of the gentlewoman from Nebraska (Mrs. SMITH) has again expired.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would just like to address myself to a couple of questions raised on this whole Indian transaction.

First of all, as the gentleman from New York (Mr. BINGHAM) has indicated, India has half of all the poor people in

that part of the world which we are trying to aid with this bill.

If one believes, as I think the majority of the Members in this Congress do, that that makes them a terribly important and key country, then I do not think—no matter how complicated the issue is, so far as the rupee is concerned, that we ought to be in the position of cutting back our support for India in this bill by approximately 50 percent in direct aid.

Second, the question has been raised about the gift of wheat from India to Vietnam. India did not give wheat to Vietnam. India had a storage problem and had a temporary surplus of grain because, for the first time in history, it had 2 good years in a row, or maybe it was 3 good crop years in a row, I have forgotten which, frankly. But the fact is, what they did was to loan—loan, not give—wheat to Vietnam. That loan was made on an interest-free basis, repayable in 3 years. So they did not give any wheat to Vietnam.

Third, on the question of India buying gold, India has a particular reason to buy gold. Indian citizens are not allowed to hold gold. Therefore, the Indian Government tries to purchase gold, which is illegal to import in India, in order to fight the black market in gold within that country. We should be happy about that, not unhappy about it.

The question will also be raised, undoubtedly, about the fact that India owns a portion of the U.S. national debt. In fact, that was raised in general debate a few days ago, last Monday. The fact is that India owns about two-tenths of 1 percent of the U.S. national debt, and it owns it for the same reason that virtually every other country in the world does: they need foreign exchange. And we encourage other countries to purchase portions of our "debt," if you want to put it that way, to relieve the pressure on the dollar. The fewer dollars that are held across the watres, the less pressure there is on the downward push on the dollar. So we ought to be happy about the fact that India is purchasing gold from the IMF to shut off the black market in their own country. We ought to be happy about the fact that they are, in fact, relieving the pressure on the American dollar.

We ought to recognize the fact that probably no country in the world is more important for us to assist, because they will serve as the democratic model in Asia. And if democracy is to succeed in a leading country in Asia, it is going to have to be India. Given the kind of administration, the kind of government they had a few short years ago, and seeing the kind of government they have today, we ought to be doing everything we can to support them rather than finding reasons to place obstacles in the way efforts on the part of our Government to assist the most important democratic government in Asia.

Mrs. BURKE of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would just like to clarify again this whole question of the economic situation in India, and particularly in terms of grain.

Today it is true that there is a surplus, but there is actually no facility to store the surplus wheat. The United States and the World Bank are going to try to provide additional capacity for storage. In the meantime, India is faced with the fact that there are over 100 million people who are underfed. And if we are talking about helping poor people, this is a country where you have people literally starving, literally millions of people starving. The population today is increasing by about 1 million per year. They will be faced with a food deficit, by the year 1990.

What we are doing here is simply assisting one of the poorest, most malnourished, underfed countries in the world. It is the whole basis of our whole economic assistance program.

We are talking about economic assistance to people who are poor and who are underfed.

Mr. WOLFF. Mr. Chairman, will the gentlewoman yield?

Mrs. BURKE of California. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I just would like to add to what the gentlewoman has said relative to the poor people of this area, but I would also like the gentleman who offered the amendment to be aware of the fact that if India tomorrow decided to give naval-basing facilities in the Indian ocean to the Soviet Union or to one of the satellites, it would cost us an awful lot more than this $50 million we are talking about right now. I think that it is time we stopped talking about being for democracy and put our money where our mouth is.

Mr. McHUGH. Mr. Chairman, will the gentlewoman yield?

Mrs. BURKE of California. I yield to the gentleman from New York.

Mr. McHUGH. Mr. Chairman, I thank the gentlewoman for yielding to me. I think it is important to stress again that what the gentlewoman has said is quite right with respect to the food situation in India and, indeed, in the less-developed countries in general, and that the surplus of food which has resulted in India during the last 2 years is an unusual circumstance.

The purpose of the program which is proposed in this bill, the purpose of the funds which are being appropriated in this bill, is for rural electrification and for rural agricultural development. That is essential in light of what the gentlewoman has said. It should be understood, despite what my good friend from Florida has indicated, that reducing $49 million in this appropriation will, indeed, affect that agricultural development; it will, indeed, affect that rural electrification program. There should be no mistake about that. We would be, by adopting this amendment, reducing the appropriation of $90 million by $49 million.

Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words, and I rise in reluctant opposition to the gentleman's amendment.

While I sympathize with the intention of the gentleman's amendment to reduce the portion of funds provided for local currency purchases for India, as chairman of the subcommittee I must oppose this amendment. The main argument proposed against the use of U.S.-owned rupees to finance local costs of the projects is that it would not be a real transfer of resources from the United States to India. The point is that U.S. dollars are used to purchase local currencies to finance local costs and the dollars are used to buy U.S. goods and services. If the U.S.-owned local currencies are used instead of dollars, there are no new funds available to India and India would in effect be picking up that much more of the project cost. In addition, the United States and India governments have already entered into agreements to the use of these U.S.-owned rupees.

I do have some concern over the type of projects AID plans to finance in India and over the purchase of local currencies. Some of the projects mentioned by AID are medium irrigation and rural electrification and I do not know if the poor people will be the greatest beneficiaries from these investments. My concern is so great that I would hope to travel to India this fall to determine how these projects will be implemented before we get too involved in this type of program.

While I have some concerns as to program direction, I do not feel this is the time to eliminate aid to India. I urge its defeat.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to review and be sure I understand this situation. As I heard the debate on this issue, my understanding was that as of 1974 there was built up in India an account of some $2.2 billion in rupees, and then we just forgave them and wiped it off the books in our normal great accountability method.

Then, since that time, it has built up to some $810 million. Now, I do not really understand, and maybe the gentleman from Florida (Mr. YOUNG), a member of the committee, can explain why it has built up to $810 million in rupees and we still have to turn around and give them some more so that we can build it up high enough so that we can forgive even more.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, I think that is exactly the situation. The gentleman has heard the debate, and what was talked about. The real purpose of this program is to transfer resources.

Mr. ROUSSELOT. We are certainly transferring resources. We are transferring the American taxpayers' resources.

Mr. YOUNG of Florida. That is the

point. I understood that this was to feed hungry people. Now, all of a sudden I am told that it is to transfer resources.

Mr. ROUSSELOT. Do they eat rupees there?

Mr. YOUNG of Florida. Let me tell the gentleman about what they eat in India. I regret the fact that we are coming to this discussion about whether we ought to support democracy or hungry people. That is not the issue.

Mr. ROUSSELOT. Especially since they cannot eat rupees.

Mr. YOUNG of Florida. However, since we are going to discuss this, if the gentleman would let me tell him——

Mr. ROUSSELOT. I would like that.

Mr. YOUNG of Florida. The gentleman has just heard that there is a reason why India sent 100,000 tons of wheat to Vietnam and have promised 300,000 more; the reason why India will send 4.1 million tons of wheat to Russia and the reason why India sold 50,000 tons of wheat to Afghanistan. We are told this was because they had great bumper crops in the last couple of years. I am glad they did, but we were told they had no place to store it.

In his statement before our subcommittee last week, the Director of AID said that at least one-quarter of India's 630 million people are underfed. Now if one-quarter of 630 million people are underfed, yet there is enough wheat in India to send around the world, because of a storage problem, why not store the wheat in the bellies of the starving people and keep them alive?

Mr. ROUSSELOT. I am sure our colleagues will want to answer that.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to my colleague, the gentleman from New York. I find it difficult to believe he is a big supporter of rupees.

Mr. WOLFF. I am not a big supporter of rupees, but I wanted to answer the question the gentleman asked before. He asked how this $2.5 billion came about and how the transfer occurred. It occurred during the Nixon administration.

Mr. ROUSSELOT. That does not make it perfect.

Mr. WOLFF. I understand, but I wanted that to be on the record.

Mr. ROUSSELOT. I am glad the gentleman cleared that up.

Mr. WOLFF. There is a change in the administration which has occurred in India as well. We now have a democracy in India. I believe the gentleman and I share the same belief that we should promote democracies around the world and not try in any fashion to give aid to those who oppose democracy.

Mr. ROUSSELOT. I think, if I can recapture my time just briefly, my question is: If they have $110 million worth of rupees, why should we give them $49 million more? Is it just so we can cancel it out again?

Mr. WOLFF. If the gentleman will yield further, we do not give them the rupees. We give them the dollars.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, my colleague might be interested in knowing the official Government version of that so-called transfer was that our Government considered this nonpayment a repayment. Even though they did not repay the counterpart funds, Mr. Holton said the debt was considered as paid when it was not. It was a paper entry by the State Department to cancel the debt. The giveaway artists were just as bad in the Nixon administration as they are now.

Mr. ROUSSELOT. Tell me it is not so.

Mr. ASHBROOK. We are in a little worse shape now. I will say the Carter administration advocates expanded foreign aid.

But the argument is, and I have heard it go full circle, that the counterpart funds were used as a part of foreign aid. We would sell Caterpillar tractors to India and they would pay for the tractors, but we would agree not to bring the money back to this country and would impound it on the theory that somehow, someplace, some day we would find it usable there.

But now that time has come. We can use it.

The CHAIRMAN. The time of the gentleman from California (Mr. ROUSSELOT) has expired.

(By unanimous consent Mr. ROUSSELOT was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. Mr. Chairman, if the gentleman will yield further, now when we could probably use some of that money, they take the same argument and turn it around on the other side of the aisle and say that we do not dare take it back. That may be one of the reasons why the dollar is falling and we are in trouble.

But then to compound the problem, the counterpart sales are counted on the plus side of our foreign trade balance when it ought to be counted on the minus side. But they count the sales on the plus side of the balance-of-payments ledger. It is no wonder we are in the trouble we are.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, as far as the balance of payments situation, it might interest the Members to know that, despite the problems we in America are having, India has a $5.9 billion foreign exchange surplus.

Mr. ROUSSELOT. A surplus?

Mr. YOUNG of Florida. Surplus.

Mr. ROUSSELOT. I think this amendment sounds very reasonable and I think I will support it. The gentleman has convinced me.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I am delighted to yield to my distinguished traveler and friend, the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I hope there are a few things on which we can all agree.

First, that India is a democracy.

Mr. ROUSSELOT. We are certainly glad to hear that.

Mr. SOLARZ. The second thing on which we can all agree is this. However, successful India may have been in the last 2 years in raising a bumper crop due to the extent to which they have had unprecedentedly good weather for the last 2 years, it is still a very, very poor country.

The third thing on which I would hope we can agree is that, to the extent a developed country can help a developing country through the provision of foreign aid, it is first and foremost through a transfer of resources for constructive purposes.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I really feel very distressed at the tone that this debate is taking. I am very glad that, as far as I know, that the Ambassador of India is not in the gallery. I would be quite ashamed if he were here because of the performance here this evening. We are treating this subject with a degree of levity which, while I applaud the use of humor in its place, I think is quite appalling when one thinks that this very evening there are tens of thousands of people sleeping on the streets of Calcutta because they have no other homes and that there are tens of thousands of people in every city in India who are sleeping on the streets of their cities because they have no other homes.

Anyone who has ever spent any time in India cannot fail but to be absolutely appalled by the poverty in that country. The per capita income in India today is $140 per person per year. Let me repeat that, the per capita income in India today is $140 per person per year. This is up about 50 percent in the last 20 years, it is all the way up to $140 per person per year.

In the name of the Good Lord let us look at this soberly. India needs help in the production of food. The fact that India has had unusually good monsoon rains in recent years has meant that India has had a surplus of some commodities, particularly wheat. Now you cannot just put those bushels of wheat in the bellies of the poor people as has been suggested because many people in India do not eat wheat. It is only the people in the north of India that eat wheat. They eat rice in most of India.

Then there are complications in distribution and in storage. They have had such problems in India for years, ever since I was in this technical assistance business back in the 1950's. A considerable portion of the food supply is consumed by vermin and by rodents because they do not have adequate storage facilities for the food supplies.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. Not just now.

Mr. Chairman, this program is a modest program to help India produce more food to feed her people better over the years to come. If the program has to

be paid for by taking their rupees, it takes that much more out of their economy.

India's foreign trade balance goes up and down like that of other countries. Today they are in the fortunate position they are because they have had these unusually good monsoons in recent years.

Let us consider this amendment soberly. As I say, the committee's proposal is a modest one. It was recommended by the Congress in its own legislation, let us not deal with it as if it were some kind of a joke.

Now I will yield to the gentleman from Florida, Mr. YOUNG.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding. I want to assure the gentleman from New York (Mr. BINGHAM) that my approach is very serious and not one of levity. The very point the gentleman has raised is the question I have asked time and time again: If India is going to lose 10 million tons of wheat a year to rats and insects, why do they not take that same 10 million tons and give it to the poor, hungry people before the rats eat it? That is my question.

Mr. BINGHAM. Mr. Chairman, if I may take my time back, let me say that that is a very naive question in terms of the technology involved. It is not that simple. Many of these people live in villages with no roads to reach them. You have got to keep the wheat and grain for a while, then you have got to transport it and you have the problem of rodent control and vermin control, which is a complex problem that raises a lot of questions of technology.

It is too simple to say, "Give it to the people to eat before it rots."

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I would like to associate myself with the remarks of the gentleman in the well and oppose this amendment.

The whole nub of the issue here—and it has not been touched upon—is that the reason we want the $49 million to buy the rupees is that the dollars will be used then by the recipient after purchasing the local currency. They will be used by the Government of India to buy U.S. goods for energized pump sets and agricultural production plus employment.

In answer to the comment of the gentlewoman from New Jersey, if we do not do this and they only have rupees, the rupees are not worth the paper they are printed on. They cannot buy anything with the rupees from U.S. business concerns.

Is that not the answer to this whole matter?

Mr. BINGHAM. That is correct.

Mr. CONTE. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from New York (Mr. BINGHAM) has expired.

(On request of Mr. PEASE and by unanimous consent, Mr. BINGHAM was allowed to proceed for 2 additional minutes.)

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Ohio.

Mr. PEASE. Mr. Chairman, I thank the gentleman for yielding.

I would like to associate myself with his remarks as to the tone of the debate.

I think the gentleman from New York (Mr. SOLARZ) a minute ago said that there are some things he hoped we could agree on.

Mr. Chairman, this debate requires some very serious consideration. There are serious matters at hand. The gentleman from Florida (Mr. YOUNG) has spent a lot of time in working on this matter. We may have disagreements, but I would hope that we can keep the debate on a high level.

Mr. Chairman, I am told that we have some 60 amendments noticed to this bill. If the tone that has been attached to this amendment is maintained, I would hate to think of what will happen on the 60th one. We need to give serious attention to what we are doing.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I am now beginning to get answers to my questions.

Does the gentleman mean that this is in the form of credit so that India can buy goods outside of the country with this $49 million?

Mr. BINGHAM. That is correct.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, on that very point, will the gentleman not concede to the gentlewoman from New Jersey that they cannot use rupees to buy American goods or to buy anybody else's goods? Rupees are not foreign exchange. They can only be used in India; is that not correct?

Mr. BINGHAM. That is correct.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, that is the reason for this whole effort aimed at buying rupees with American dollars. They in turn will take the American dollars and buy commodities from U.S. business concerns so as to build these projects. It is very simple.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I would like to ask my colleague, the gentleman from Florida (Mr. YOUNG), how much India, this country which is supposedly concerned about raising the level of those in poverty, has spent on the development of nuclear weapons and how that helps the poor.

Mr. YOUNG of Florida. If the gentleman will yield, Mr. Chairman, my response would be that I really cannot tell the gentleman why.

I know, the gentleman knows, and our colleagues know that they have, in fact, exploded an atomic device. They call it a peaceful bomb. I do not know whether it is or not. They have an atomic research center, the Bhabha Atomic Research Center, near Bombay, India.

I might say to the gentleman that because of their great technological advances in this area they have now invited Vietnamese scientists to come to that research center near Bombay to learn how to apply nuclear technology.

Mr. ASHBROOK. All in the interests of the poor, I am sure.

Mr. YOUNG of Florida. I cannot tell the gentleman that. I do not know whether they are going to be using their technology for peaceful atomic bombs or just what.

If the gentleman will yield for another statement, this question of using the grain to feed the hungry people and the fact that they do not have the infrastructure to get the food from the storage houses to the hungry people is very interesting in view of the fact that India has established a foreign aid program for Vietnam. Part of the foreign aid program for Vietnam is to help them build their railroads.

If they can help build railroads in Vietnam, one would think that they could at least build a wagon trail to get food to their own hungry people before the rats eat it.

That is my argument. I do not see why in the world we are having such a hard time convincing people that it is better to give that wheat to the hungry people of India than to the rats.

Mr. ASHBROOK. I would say that the gentleman is right on target. If it is a question of priority on our part, it is also a question of priority on the part of India. If we were going to try to save our own country from bankruptcy, this is the type of area in which we could start. This should be a priority for us.

Mrs. BURKE of California. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentlewoman from California.

Mrs. BURKE of California. Mr. Chairman, when we use the phrase "foreign aid program," we constantly go back to the same thing. Let us be honest. Is it not true that we have that surplus grain and that the surplus wheat, when it was transferred to Vietnam, was in exchange for something, that they got something in exchange, enabling them to transfer that wheat?

The point is it was not a matter of a foreign aid program.

Mr. ASHBROOK. Did they exchange it for rice?

Mrs. BURKE of California. They exchanged it for money. They exchanged it for dollars.

Mr. ASHBROOK. I thought the Vietnamese had rice. I just heard that in the northern part of India they needed wheat and in the southern part they needed rice. I think that is what the gentleman from New York (Mr. BINGHAM) said.

Mrs. BURKE of California. Let us be honest. Was it not a matter of a transfer of surplus wheat?

Mr. ASHBROOK. I do not know whether it was or not. If they had the same promises for repayment that we have had over the years and did not get repaid, something we call conditional sales, but in truth they were never conditional sales, they were counterpart funds which were supposed to be used to improve the currency situation. Failure to pass this amendment is in effect signaling that we are never going to get that money back, so maybe India is engaging in the same semantics in what you call sale or exchange to a country unfriendly to the United States.

Mrs. BURKE of California. Will the gentleman yield further?

Mr. ASHBROOK. I yield to the gentlewoman.

Mrs. BURKE of California. The gentleman says that counterpart funds we never get back. We know that we have many methods of getting them back. We know that anytime we can utilize those moneys, we do move forward and try to use them, but we cannot use them as readily as we can dollars. We know that because it is money that we cannot always bring out of the country, and we have that in every country—many countries in the world.

Mr. ASHBROOK. I have been here long enough, I would remind my colleague, to remember one of the first things President Kennedy tried to do in the early 1960's. Does the gentlewoman remember when President Kennedy went to the countries that had our counterpart funds and, as a part of trying to ease the gold drain at that time asked that the American traveler be permitted to exchange American dollars for the local currency of that country in the United States before he went abroad, to help the gold drain. Every single country that had counterpart funds turned President Kennedy down flat. It has been that way from 1962 on, and I think we are going to realize these countries are not going to cooperate with us under any circumstances.

Mrs. BURKE of California. We do that now. Are we not using those now? I suspect the gentleman has.

Mr. ASHBROOK. Yes. I have. In fact, if 435 Congressmen would travel 6 months a year—which would be the best thing that could happen to the country—we probably would only touch one-tenth of 1 percent of these impounded funds in any 1 given year.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. ASHBROOK) has expired.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment. I just want to make a couple of observations: the money we are talking about here would finance $58 million for the rural electrification program, this project will not be implemented if the amendment offered by the gentleman from Florida is adopted, because $49 million is for local currency costs, and this would definitely preclude AID's participation in the program which is designed to energize pump sets, promote agricultural production, and implement and improve and increase rural industry in backward areas. There was something also mentioned about how much India was putting in defense. I am told that under the new 5-year development plan 1.5 percent of their total budget goes into defense. Forty-eight percent of their total budget goes to agriculture in trying to feed the half-billion hungry people they have in India.

The gentleman from Ohio, I believe, mentioned a foreign-aid program with Vietnam. That is not so, $50 million is export credits, and it is clearly aimed at the Indian export promotion program, that is, railway equipment. These credits will be provided on terms with only a small level of concessionality: $12.5 million in official credits at 5-percent interest in 4 years, a grace period and repayment schedule of over 10 years beginning in 1982 for the railway equipment and other goods from India. For the $37.5 million in commercial credits from the Projects and Equipment Corp. of India there will be 8.25 percent interest repayable in 10 years with an initial moratorium of 2 years for the railway coaches and the wagons. So we can readily see, Mr. Chairman, that this is not a foreign aid program. I wish that we could deal some hard bargains in a development loan program, as they have driven here.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, when we have export credits in our foreign aid program, we call it foreign aid. Why do we not call it foreign aid when the Indians have export credits, or anyone else has export credits?

Mr. Chairman, if the gentleman will yield further, I have another question. If they can provide rail cars to carry war material to Vietnam, why can they not provide rail cars to carry wheat to the starving people in their own country? That is a question we have not answered.

Mr. CONTE. Mr. Chairman, I will give the gentleman an answer to both questions. First of all, I do not consider the Export-Import Bank as foreign aid. We treat it as such on this floor. Here you have an 8.5-percent interest rate, payable in 10 years. That is a pretty hard bargain.

On the other hand, the gentleman from Florida is a dear friend of mine and simplifies everything. To carry something by rail, you have to have tracks for those cars. They may not have the tracks. They may have not progressed that far. They are producing some railway cars and coaches.

In regard to building up the emotions of the House, there is no war in Vietnam now. The gentleman says they are using these for war purposes.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, India must electrify the rural villages. Anyone who has been there knows it is needed. Will India use this money to buy electrical equipment here? Will this give India the currency to buy it with? Is that the point?

Mr. CONTE. Mr. Chairman, the gentlewoman is right on target.

I do not know if I will be on this committee again. I have had enough of it; but if they went and bought it from any other country but the United States, I would not be standing up here defending the program and opposing the amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, is the gentleman saying that in India they got the car before the track?

Mr. CONTE. That is well put and that is what the gentleman is doing here in cutting the electrification program. As the gentlewoman from New Jersey brought out here, the gentleman is trying to put the cart before the horse and I hope the gentleman's amendment is soundly defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The question was taken; and on a division (demanded by Mr. YOUNG of Florida) there were—ayes 11, noes 30.

Mr. YOUNG of Florida. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee of the Whole appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Florida (Mr. YOUNG) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 194, noes 200, not voting 38, as follows:

[Roll No. 638]

AYES—194

Abdnor	Bafalis	Broomfield
Ambro	Barnard	Brown, Mich.
Anderson, Calif.	Bauman	Brown, Ohio
Andrews, N.C.	Beard, R.I.	Broyhill
Applegate	Beard, Tenn.	Burgener
Archer	Bennett	Burke, Fla.
Armstrong	Bevill	Burleson, Tex.
Ashbrook	Biaggi	Butler
AuCoin	Bowen	Byron
Badham	Breaux	Carter
	Brinkley	Cederberg

Clausen, Don H.	Huckaby	Roberts
Clawson, Del	Ichord	Robinson
Cleveland	Ireland	Roe
Cohen	Jacobs	Rose
Coleman	Johnson, Colo.	Rousselot
Collins, Tex.	Jones, N.C.	Rudd
Conable	Jones, Okla.	Runnels
Corcoran	Jones, Tenn.	Ruppe
Cunningham	Kazen	Russo
Daniel, Dan	Kelly	Santini
Daniel, R. W.	Kemp	Satterfield
Davis	Kindness	Sawyer
de la Garza	Lagomarsino	Schulze
Derrick	Latta	Sebelius
Derwinski	Lent	Shipley
Devine	Levitas	Shuster
Dickinson	Livingston	Sikes
Dingell	Lloyd, Tenn.	Skelton
Dornan	Long, La.	Skubitz
Duncan, Tenn.	Lott	Slack
Edwards, Ala.	Lujan	Smith, Nebr.
Edwards, Okla.	McClory	Snyder
English	McDonald	Spence
Ertel	McEwen	St Germain
Evans, Ga.	McKay	Stangeland
Evans, Ind.	Madigan	Steed
Flippo	Marlenee	Stockman
Fountain	Marriott	Stratton
Frenzel	Martin	Stump
Frey	Mattox	Taylor
Fuqua	Mazzoli	Thone
Gammage	Michel	Treen
Gaydos	Miller, Ohio	Trible
Gibbons	Mollohan	Vander Jagt
Gilman	Montgomery	Vanik
Ginn	Moore	Volkmer
Goldwater	Moorhead, Calif.	Waggonner
Goodling	Mottl	Walker
Gradison	Murphy, Pa.	Walsh
Grassley	Murtha	Watkins
Gudger	Myers, John	Weaver
Guyer	Neal	White
Hagedorn	Nichols	Whitehurst
Hall	O'Brien	Whitley
Hammer-schmidt	Poage	Whitten
Hansen	Pressler	Wiggins
Harsha	Preyer	Wilson, Bob
Hefner	Pursell	Wilson, C. H.
Hightower	Quayle	Winn
Hillis	Quillen	Wydler
Holt	Rahall	Wylie
Horton	Rhodes	Yatron
Hubbard	Rinaldo	Young, Alaska
	Risenhoover	Young, Fla.
		Young, Mo.

NOES—200

Addabbo	Drinan	Jenrette
Akaka	Duncan, Oreg.	Johnson, Calif.
Alexander	Early	Jordan
Ammerman	Eckhardt	Kastenmeier
Anderson, Ill.	Edgar	Keys
Andrews, N. Dak.	Edwards, Calif.	Kildee
Annunzio	Eilberg	Kostmayer
Ashley	Emery	Krebs
Aspin	Erlenborn	Krueger
Baldus	Evans, Del.	LaFalce
Baucus	Fary	Leach
Bedell	Fascell	Lederer
Beilenson	Fenwick	Leggett
Benjamin	Findley	Lehman
Bingham	Fish	Lloyd, Calif.
Blanchard	Fisher	Long, Md.
Blouin	Fithian	Luken
Boggs	Flood	Lundine
Boland	Florio	McCloskey
Bonior	Foley	McCormack
Bonker	Ford, Mich.	McFall
Brademas	Forsythe	McHugh
Breckinridge	Fowler	McKinney
Brodhead	Fraser	Maguire
Brooks	Garcia	Mahon
Buchanan	Gephardt	Mann
Burke, Calif.	Giaimo	Markey
Burlison, Mo.	Glickman	Marks
Burton, John	Gonzalez	Metcalfe
Cavanaugh	Gore	Meyner
Chisholm	Green	Mikulski
Clay	Hamilton	Mikva
Conte	Hanley	Miller, Calif.
Corman	Hannaford	Mineta
Cornell	Harkin	Minish
Cornwell	Harris	Mitchell, Md.
Cotter	Hawkins	Mitchell, N.Y.
Coughlin	Heckler	Moakley
D'Amours	Heftel	Moffett
Danielson	Holland	Moorhead, Pa.
Delaney	Hollenbeck	Moss
Dellums	Holtzman	Murphy, Ill.
Dicks	Howard	Murphy, N.Y.
Dodd	Hughes	Myers, Gary
Downey	Hyde	Myers, Michael
	Jeffords	Natcher
Nedzi	Reuss	Steers
Nowak	Richmond	Steiger
Oakar	Rogers	Stokes
Oberstar	Roncalio	Studds
Obey	Rooney	Thompson
Ottinger	Rosenthal	Traxler
Panetta	Rostenkowski	Tucker
Patten	Roybal	Udall
Patterson	Ryan	Ullman
Pattison	Sarasin	Van Deerlin
Pease	Scheuer	Vento
Pepper	Schroeder	Walgren
Perkins	Seiberling	Waxman
Pettis	Sharp	Weiss
Pickle	Simon	Wilson, Tex.
Pike	Smith, Iowa	Wirth
Price	Solarz	Wolff
Pritchard	Spellman	Wright
Railsback	Staggers	Yates
Rangel	Stanton	Zablocki
Regula	Stark	Zeferetti

NOT VOTING—38

Bolling	Diggs	Nix
Brown, Calif.	Evans, Colo.	Nolan
Burke, Mass.	Flowers	Quie
Burton, Phillip	Flynt	Rodino
Caputo	Ford, Tenn.	Sisk
Carney	Harrington	Symms
Carr	Jenkins	Teague
Chappell	Kasten	Thornton
Cochran	Le Fante	Tsongas
Collins, Ill.	McDade	Wampler
Conyers	Mathis	Whalen
Crane	Meeds	Young, Tex.
Dent	Milford	

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. Conyers against.

Mr. Teague for, with Mr. Burke of Massachusetts against.

Mr. Chappell for, with Mr. Phillip Burton against.

Mr. VOLKMER and Mr. RAHALL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments? If not, the Clerk will read.

The Clerk read as follows:

International organizations and programs: For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, as amended, and of section 2 of the United Nations Environment Program Participation Act of 1973, $260,000,000: *Provided*, That none of the funds appropriated under this heading may be available to provide a United States contribution to the United Nations University.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: On page 3, line 20, strike "$260,000,000" and insert in lieu thereof "$253,200,000".

On line 23 strike the period and insert the following: ": *Provided further*, That not more than $116,250,000 shall be available for the United Nations Development Program."

Mr. YOUNG of Florida. Mr. Chairman, this amendment strikes only $6.8 million from this budget for the United Nations Development Program. The amount was arrived at very scientifically, Mr. Chairman. The $6.8 million is the United States' share for 1 year of 5-year programs to countries like Vietnam, Ethiopia, Cuba, Laos, Mozambique, Uganda, Iran, and Saudi Arabia.

I would argue on any one of these countries why the United States ought not to be sending our tax dollars to those countries. Saudi Arabia, for example, gets plenty of American dollars for the purchase of oil. I do not see why we need to help finance a United Nations development program for Saudi Arabia. The same argument I would make for Iran. While Cuba is exporting communism and violence all over Africa, I do not see why United States taxpayers should have to pay American tax dollars into a fund, some of which will end up in Cuba. The same argument I would make for Vietnam, the same for Ethiopia. Each one of these countries falls into one of those categories. This $6.8 million is not going to destroy any program. It is not going to keep any hungry people from being fed. It is not going to do anything but indicate that we do not want our taxpayers' dollars going to countries like Cuba, like Vietnam, like Ethopia, like Uganda through the indirect method of the United Nations Development Program. It still leaves a lot of money in this account for the UNDP.

As a matter of fact, if this amendment should be adopted by this House, the amount left in the bill for the UNDP will still be the largest appropriation for the UNDP that we have ever made, and larger than it was last year.

Mr. Chairman, I hope that the amendment would be adopted and we could save at least $6.8 million of our taxpayers' money.

Mr. LONG of Maryland. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the President's request for the UNDP this year is $133,000,000. This represents an $18 million increase above last year's appropriation level. In the past, this committee has been very critical of the UNDP. It has been an organization wrought with inefficiency and political ineptness. However, 2 years ago, a former colleague, Bradford Morse, became the administrator of the UNDP and has since taken many strides to pull this organization from the depths. It is hoped that, through his leadership, the UNDP will continue to improve and will someday be an organization which we may all support. I have great sympathy with the purpose of the gentleman's amendment and share his concern that the UNDP is not today as effective as it should be. However, the majority of the committee felt that the UNDP was performing a necessary function and was moving slowly to be sure, toward needed administrative reform. Further, the administration is beginning to exert pressure on the UNDP to more effectively direct its programs to the very poor. Recently, before the 24th session of the governing council of the UNDP, John Gilligan, AID Administrator, stated that:

The American people, the American Congress, and the new American administration will no longer accept a "trickle-down theory" in those programs where its people and money are involved.

With this commitment on the part of the administration to work toward the reform of the UNDP, I oppose any further reduction in the administration request and ask that the amendment be defeated.

The committee notes that Uganda and Vietnam are scheduled possibly to receive funds through the UN Development Program in the next 5 years. In response to concern expressed by the committee on these allocations, the witness from the State Department stated these funds would not be used to prop up any particular government but would be targeted at helping the poor people within the country.

The committee has already reduced the administration's request by almost $10 million. We have granted only a modest increase of 7 percent over last year. I assure you the committee plans to monitor the activities of the UNDP and would attempt to direct more of their aid to the poor and away from the rich countries and countries with repressive governments who have little desire to help their poor.

Mr. Chairman, I urge that the amendment be defeated.

Mr. CONTE. Mr. Chairman, I move to strike the last word. I rise in opposition to the amendment.

Mr. Chairman, since its inception in 1944, the United States has played a key role in the United Nations and its many programs. Although the U.N. is a less than perfect institution, it has nevertheless proved itself to be an important international forum where nations can work together in cooperation and compromise avoiding the conflict and confrontation too often characteristic of relations among nations. The positive aspects of U.N. programs are most evident in the multilateral assistance areas such as UNICEF and the United Nations Development Program, otherwise known as UNDP. Let us look more closely at the UNDP program which the gentleman from Florida so earnestly, yet wrongly assails.

The UNDP is the largest technical assistance program within the United Nations. Its assistance is not given in the form of monetary grants or loans but is provided through trained professional who furnish training and development advice along with specialized equipment necessary to help the developing world to realize their potential. The United States has always played a major leadership role in this program and does so now under the skilled leadership of my dear friend and former congressional colleague, Mr. Bradford Morse. During his tenure, the UNDP has focused its policy of assistance on helping the poorer nations to utilize the indigenous talent and resources they posses. In other words to provide cooperative aid for the end of insuing that these nations may soon conduct their own development strategies. Inputs from the U.N. represents only 40 percent of the project cost; 60 percent is provide by the recipient nations themselves.

During the current 5 year program running between 1977 and 1981, about 80 percent of UNDP expenditures will go to countries with per capita incomes of $500 or less. I will not argue that this degree of aid to the poorest of the poor should not be increased. However, I will observe the best way to accomplish the end of full participation in the program is not to cut off funding or place restructions on aid unacceptable to other members.

The UNDP should be especially worthy of support because of its emphasis on people to people assistance and its encouragement of recipient nations to develop the capability to control their own destinies. However, the gentleman from Florida would have us remove our support to this otherwise sound program because of the 140 nations receiving aid, there are seven that we currently do not like.

There indeed may be good diplomatic reasons for us not to provide direct aid to nations such as Vietnam, Uganda, or Cuba. But it does not follow that the 1 percent of UNDP expenditures going to the seven nations so vehemently objected to, should preclude all U.S. funding to the nearly 3,800 unobjectionable UNDP projects designated for over 140 countries around the world. Moreover, it is quite an exaggeration to suggest as does the gentleman from Florida, that U.S. tax dollars spent in UNDP programs support the rule of the likes of Idi Amin. For example, the current UNDP program for Uganda trains Ugandan nationals to treat individuals suffering from tuberculosis, to assist in the eradicaton of prevalent animal diseases and to learn improved hospital laboratory techniques. Do we really wish that tubercular, infirmed, and diseased humans (and beasts) benefiting from these modest programs to be left to suffer for fear of strengthening the oppressor's hand? Are we to believe that the presence of professionals from other countries within the border of a nation such as Uganda does not have a moderating influence on the bloodlust of its leader? I think not.

Mr. Chairman, I wish to make clear that I do not approve of all the projects provided to these and other countries. However, the point is the United States is the largest single contributor to the UNDP and as the Nation that has provided the key leadership for the program, we can, and should use our inherently great influence to discourage programs that are patently unwise. This, I assert, is a better approach than the cutoff advocated by the gentleman from Florida.

With the exception of Uganda, it would seem my friend is mesmerized by the evil done by the Communist regimes. Others in the body object only to rightist cruelties. So it goes. Only the suffering of the people whose basic human needs are not met, is ignored. It is those people who primarily are the beneficiaries of the technical assistance rendered by the UNDP. I say, enough is enough. Let us get ourselves out of the political trap laid by the gentleman from Florida. As a result of such actions, concern with human rights is not on the upswing. Yet support for the fine, effective, multilateral program such as UNDP is on the decline. I strongly urge the defeat of this amendment.

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, we have no money to give to this UNDP program except the money that we take away from our hard-working taxpayers. The taxpayers across this country are saying that they are fed up with the waste and the excesses in this whole program. I think that this cut is very much in order.

We propose to give $123 million to UNDP. Over the current 4-year period UNDP intends to give $49 million to Vietnam, $42 million to Ethiopia, $30 million to Uganda, $18 million to Mozambique, $17 million to Laos, $13 million to Cuba; $10 million is going to oil rich Saudi Arabia and $20 million to equally wealthy Iran.

I submit that the people in my district, and I am sure the people in your district, do not want their money used this way.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentlewoman for yielding.

Mr. Chairman, I thought for a moment that my friend and colleague, the gentleman from Massachusetts (Mr. CONTE), had the wrong speech, and I am not sure whether he did or not.

Mr. Chairman, we are not trying to stop the UNDP. We are not saying we are not going to help those people. Again the argument goes against what this amendment is trying to do. If I were on their side, I would make the same kind of argument, probably. There is no good argument why we should send American dollars to Uganda. I do not want to go home to my district and explain to my people why I voted to have American money go to Uganda.

Mr. Chairman, the gentleman from Massachusetts (Mr. CONTE) talks about the program of saving life in Uganda. I wonder if he heard the story about how Amin's murderers lined up men in the village and gave the first man a hammer and made him kill the next man with the hammer, and then the hammer was passed on to the next living person, and he killed the one next to him, and then the hammer was passed down the line until they were all dead except the last one, and he was shot. Has the gentleman heard about Idi Amin's braggadocio statements about eating his opponents or about white missionaries who have been killed or just disappeared in Uganda?

And if American tax dollars go to Uganda, my friends, do not be misled. Any money that goes to Uganda is not going to be controlled by Bradford Morse, our friend and former colleague. Any money that goes to Uganda is going to be controlled by Idi Amin. The emperor for life. That is who controls the money and everything else in Uganda.

Mr. CONTE. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. If I have

time left, I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentlewoman for her kindness in yielding to me.

Mr. Chairman, the gentleman from Florida (Mr. YOUNG) has just torn me apart. I am surprised at him, because I taught him everything he knows, and this is the gratitude I get. Anyway, I am surprised at the gentleman, because he did not listen to my speech. It was the right speech, and it was on target.

What I said was that by the gentleman's cut these are the programs that are going to be hurt. There is not a plug nickel from UNDP that goes to Uganda. The gentleman knows it, and everybody else knows it. It is technical assistance, not money going to Uganda. It is technical assistance to try to solve tuberculosis in that country, to try to help the sick and the dying in that country, not to help Idi Amin.

Mr. Chairman, I would like to say that I deplore everything Idi Amin does as much as the gentleman from Florida, I deplore it even more, as the gentleman knows, because I feel very strongly about human rights. But I also feel for those poor people in Uganda who do not get any help from their leader and who have to depend upon the UNDP for any help and salvation.

Mrs. BURKE of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to clarify exactly what UNDP does and who it goes to. It benefits 140 AID countries. I wish the Members would read the list of countries this amendment would cut back. It is not just cutting back on those seven countries that have been paraded as the "horribles." It cuts back on countries such as Greece. It is true that some of this money goes to Israel, Chile, Columbia, Ecuador. It goes to Iraq, to Hungary, and Iceland. It goes to many countries whose political ideologies and/or leaders I do not personally endorse, but the fact remains that I support the technical services, training advice, and other forms of development assistance which UNDP fosters. These programs, I support, because they help people that need them.

These programs are not supposed to carry my ideology. They are not supposed to carry my philosophy. They are supposed to help deserving people.

I would like to point out to the Members that the United States also benefits from UNDP.

We contribute about 18 percent of that money. Yet the United States sees a 130-percent return to its citizens from that contribution. It is the United States that sells those goods and those services. It is the United States that makes the money, and that money comes back to us; about $35 billion to $40 billion worth of services from the United States is purchased by those countries that we assist.

There are approximately 5 million jobs in the United States that are now being underwritten by those underdeveloped countries. So that, when we talk about who we are hurting, do not ever forget that it is probably one of those companies in Nebraska or in Florida that is producing tractors. They are the ones that are going to be cut back, and they are the ones that will suffer if the 18 percent contribution is cut out.

Let me also talk about the "hit list" countries. Again and again we talk about the countries we do not like. Sometimes I wonder what we are going to talk about if Idi Amin has a heart attack next week. The debate on this floor is going to be totally distorted in a different direction. But, the effect of our cutback goes further. The proposed cutback, if adopted will be across-the-board, and thereby will affect every single country.

This committee already made a cut of some $10 million, taking into consideration the fact that there are many who disagree with some of the countries aided by UNDP for one reason or another. In addition to that, there has been a ceiling that has been established by the administrator for those seven countries mentioned that are of special great concern to the Congress.

Mr. Chairman, I would also like to clarify, the amounts of moneys those seven countries would receive, in this fiscal year since one of the previous speakers has distorted the facts by reading off large amounts of aid supposedly designated for them. The amount read was for 4 years, not 1. The United States share for 1 fiscal year for those countries actually amounts to $4.6 million. That is the total amount of the United States share to those countries that have been mentioned in this debate.

Therefore, if this amendment is adopted so, the people that we will economically damage will be those American businesses that receive the money and sell the services that come out of this UNDP, of which we only contribute something like 18 percent. It will also negatively affect all countries who directly benefit from UNDP.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to repeat one thing, and I will only take about 1 minute. I simply want to make this observation: Members of this House have two choices in dealing with this foreign aid bill. We can either try to educate the people we represent about the complexities involved and the issues contained in legislation like this, or we can try to use issues and use peoples' legitimate concerns about some terrible conditions around the world in order to further add to their lack of confidence and credibility as far as the U.S. Government and its policies are concerned.

I really believe that this is an example of that choice. I think it is important to emphasize what the gentleman from Texas said, because people are up tight about the aid that goes to countries like Saudi Arabia, for instance.

The fact is that countries like Saudi Arabia and Iran are in this program only because they need badly the technical assistance, but in fact they contribute far more to the program than they get out of it.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, I rise in opposition to the amendment. While it is true that the funding level recommended in the bill is a 7-percent increase above the fiscal year 1978 funding level, it should be recognized that the Appropriations Committee already cut the President's budget request for UNDP by nearly $10 million.

It is hard to think of a target, in political terms, which would be more convenient to attack than international voluntary programs like UNDP. This is even more tempting in this particular election year, when concern over Government spending is on all our minds. After all, we are pretty far removed from those people who would be affected. Scarcely a ripple will be felt in the halls of Congress if there is a little less food or medical supplies available to those who need it.

Consider the arguments advanced in support of this amendment.

First, there is a belief among many members and in the public at large that our contributions to the UNDP amounts to a "give-away" program. You might be wondering why we should allow taxpayers' money to be given to UNDP when we do not really get anything for it? The fact is that much of our contributions to the UNDP is returned to us through purchases of American goods and services. For example, in 1976 the United States contributed $100 million to the UNDP, but we got back $130 million through purchases of American goods and services. To support this amendment is to deprive American firms of direct benefits at the same time we are punishing disadvantaged peoples.

Second, the sponsors of this amendment would have us punish more than 140 recipient countries in no small part, because of our political differences with the governments of Angola, Uganda, Ethiopia, Mozambique, Laos, Vietnam, and Cuba. This is unfair to say the least. Moreover, to cut our contributions to the UNDP with this purpose in mind is punishing the people of these seven countries and many others who have virtually no control over their governments.

Why then should we support the appropriation of $123,050,000 for the UNDP?

First, it is important to focus upon what it is we are helping pay for and who benefits. Altogether too often we do not take the time to identify whether our assisance benefits the people primarily or the governments which dominate them. UNDP assistance is not given in the form of money grants or loans to governments. What is provided instead are trained professionals (many are Americans) who furnish training and development advice, together with the

specialized equipment and technical services needed to make improvements in the lives of the peoples living within recipient countries.

Second, the United States has always provided the leadership within the UNDP in formulating its strategy, tactics, and operating methods. During these years of American leadership, a policy was established to focus on helping the poorer countries become self-reliant by making the most of their own resources. Consequently, 80 percent of UNDP expenditures in this 1977–81 planning cycle will go to countries with annual per capita GNP's of $500 or less.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, I yield further to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, third, the Carter administration has stressed the importance of maintaining the UNDP as the major channel for voluntary contributions to the technical assistance program of the United Nations system. The recommended funding level of the bill represents an 18 percent participation by the United States in UNDP programs, whereas the U.S. share was 35 percent in 1970. In 1979, the United States will be contributing about 49 cents per person in comparison to the people of Denmark who presently contribute $8.86 per person to UNDP.

Fourth, contrary to popular belief, other countries have been increasing their percentage share in contributions to the UNDP at the same time the U.S. share has been decreasing. UNDP expects to receive a record $569 million from 122 countries in 1978—9 percent more than total contributions in 1977.

During the past year, the UNDP obtained a $20 million contributions from the OPEC Fund for UNDP activities. This is the first such contribution from the OPEC Fund to any international organization. At the same time, countries such as Iran and Saudi Arabia are net contributors to the UNDP—contributing approximately $7 for every $1 they receive.

Finally, ceilings have been imposed upon UNDP expenditures in Vietnam, Ethiopia, Uganda, Mozambique, Laos, Angola, and Cuba in 1979. So the American share of funds to these countries will total $5.98 million which represents less than 1 percent of the total UNDP expenditures worldwide for next year. This means that U.S. contributions to UNDP activities in these countries amounts to less than is given to any 20 Members of this House annually for official expenses including clerk-hire, travel, and stationery.

Congress should not support further cuts in our contributions to the UNDP. To do so would be a serious mistake which would misrepresent the understanding and compassion of the United States.

Mr. WYDLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it has been alluded to on the floor that those that oppose some of this foreign aid spending are trying to pander to the wishes of their constituents. At least that is the implication I think of the remarks that were just made.

As one who has generally supported foreign aid I would say that I have not tried to build up any resentment in my district against it but I find a continuing concern by the people in my district for the spending that goes on in this program. I think it is a legitimate concern and one that should be shared by the members of this committee and this House, because I do not believe it is a bad argument at all.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I am pleased to yield to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from New York (Mr. WYDLER) has made an observation that we all ought to pay close attention to. This whole business of foreign aid—and as I said during general debate there are many of these programs that I support—but this whole business of foreign aid is not supported by your people. A recent gallop poll over the country indicated that foreign aid was one of the first three areas the American people talk about when they talk about cutting expenditures. And if you do not believe that there is a real taxpayers' revolution that is going on now, then you had better pay close attention, because if your constituents ever find out what we are doing here today, you are going to be in for quite a shock.

We are not trying to kill UNDP. This is only a $6.8 million amendment to reduce.

It is eight countries, by the way, not seven. Two of them are Iran and Saudi Arabia. It has been said that they are not looking for our money; they are just looking for the technological assistance.

Why do they not pay for it? They have so much money coming out of their oil wells that they are buying farm and land and industries all over America, so why in the world can they not pay for the $20 million for Iran and for the $10 million of technological assistance Saudi Arabia is going to get over this 5-year period?

Mr. Chairman, for those Members who think UNDP is such a great program, doing such a good job, let me tell the Members what one very high Government official had to say at the same meeting alluded to earlier, the 26th session of the governing council of the UNDP in Geneva on June 14 of this year. That high U.S. official said the following:

> In surveying UNDP assistance programs to individual countries, we have noticed a disturbing trend toward increased fragmentation.

Mr. Chairman, that means it is getting worse. Furthermore, it was stated that the UNDP resident representative himself was ignorant of more than half of the resources being provided by donors through U.N. agencies.

Mr. Chairman, what I quoted were the words of a high-ranking official of the present administration. He went on to say the following:

> The host country itself was no more aware than the UNDP resident representative of some of these programs. Both donors and recipients are getting less value than they paid for the available resources.

Mr. Chairman, in view of the countries we are talking about, I do not make any excuses for trying to keep our money from going to those eight countries. The fact is that the UNDP programs are not working as we want them to work.

Mr. Chairman, I suggest that if this Congress year after year just rolls over and plays dead, never focuses attention on these problem areas, never attempts to do something to correct them, if we do not eventually come to grips with the whole matter, we are never going to solve the many problems. Next year the UNDP program is going to be larger. The year after that it is going to be larger still.

Mr. Chairman, the only saving grace I see in the UNDP program becoming larger every year is this: It has been said that for every $100 we spend, we get $130 back. If that is the case, why is our balance-of-trade deficit running at the rate of more than $30 billion this year? Further, if this theory is true, why do we not just increase the UNDP budget to about $20 billion, and then if the gentleman's claim is accurate we will get back $26 billion and help solve our balance-of-trade problem. The problem is that the argument just is not borne out by the facts.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Ohio.

Mr. PEASE. Mr. Chairman, I am glad to hear that suggestion of the gentleman from Florida (Mr. YOUNG). I would be happy to cosponsor such an amendment if he wishes, although I recognize that he is not serious, and neither am I.

Mr. WYDLER. Mr. Chairman, I do not want to cut the gentleman off, but I do not think the gentleman from Florida really does want to spend $20 billion on UNDP. Moreover, I do not think the gentleman wants the people in his district to know that he supports such a proposal.

The CHAIRMAN. The time of the gentleman from New York (Mr. WYDLER) has expired.

(On request of Mr. ASHBROOK and by unanimous consent, Mr. WYDLER was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I find it rather strange that the suggestion to increase this UNDP program by $20 billion would be taken seriously and

would get the support of my colleague, the gentleman from Ohio (Mr. PEASE); but possibly we have totally different constituencies although I doubt that.

I think what we are talking about here is a small, modest cut.

Mr. Chairman, on May 12 of this year, by a vote of 148 to 155, with 8 Members switching their vote in the well—and they are recorded in the CONGRESSIONAL RECORD, as we all know—this body just barely defeated an amendment to prevent indirect aid.

Now we are talking about indirect aid to the countries my colleague from Florida has talked about. We are talking about only $6 million now. In May we were talking in general about any aid, direct or indirect. We came within seven votes then.

Mr. Chairman, I think the American people are going to be interested in knowing how many of those 155 will now vote against a simple $6 million cut. I hope we have a recorded vote on this amendment.

Mr. WYDLER. Mr. Chairman, I yield back the balance of my time.

Mr. McHUGH. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment. Mr. Chairman, I will not take the 5 minutes, but I think it is very important to stress one point about the UNDP, and the same can be said for the multinational lending institutions. It was not too many years ago that the United States was the primary donor to the developing countries, the primary nation that was concerned and active in attempting to deal with these very deep problems. We have been very successful in recent years in encouraging other countries to join with us in this burden, and we have done so by getting them to join with us in contributing to these multinational institutions. The UNDP is an excellent example. The international banks are also good examples of the success we have had.

But the greatest threat to these multinational institutions will come from politicizing them. The problem with this amendment, I would stress to my friend, the gentleman from Florida (Mr. YOUNG), is not the $6 million cut. Relative to the budget of UNDP, that is not a substantial amount of money. The problem with this amendment is that it politicizes our contributions, and if we politicize our contributions other countries certainly will follow suit. That spells the death knell of international institutions, and where does that leave us? I submit it leaves us back where we were some years ago with the United States being left with the primary burden.

I think the gentleman from Ohio (Mr. PEASE) pointed out that our current level of contribution is about 18 percent to the UNDP. Back in 1970 it was 35 percent. That is an indication of how other nations have joined with us, enabling us to reduce the level of our contributions in terms of total aid provided by the UNDP. I think it is terribly important to remember that. Accordingly it is not the $6 million that is so damaging; it is the politicizing of our contribution which inevitably will result in other countries doing the same, and that will inevitably result in the destruction of these international institutions, much to our regret.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

To put this in proper perspective, I would simply like to make one statement. I think it is important to understand that the committee has already cut $10 million in the administration's request for the UNDP. That means that this account is now 6.5 percent above last year, which is less than the increase in the cost of inflation, and I think that speaks for itself.

Mr. WYDLER. Mr. Chairman, will the gentleman yield to me?

Mr. McHUGH. I yield to the gentleman from New York.

Mr. WYDLER. I thank the gentleman for yielding.

I do not understand what the gentleman is trying to tell the Committee regarding politicizing the UNDP. What is the point? How are we politicizing it?

Mr. McHUGH. It is very obvious we are politicizing it. The gentleman from Florida has offered an amendment to cut $6 million out of this bill and specifically tells this Committee that he is doing so because he does not like the countries which are listed, or at least the governments which are listed. As you know, there are many other countries that participate in the UNDP, and they have their dislikes, too; so they then start cutting down their contributions, because they see the United States doing that, because the United States does not like certain countries. That will then result, as the gentleman can well see, in the destruction of the UNDP.

Before these international institutions existed, the United States had a much greater burden relative to other nations in trying to meet the burdens that we are addressing in this bill.

Mr. WYDLER. Will the gentleman yield to me just further?

Mr. McHUGH. I yield to the gentleman from New York.

Mr. WYDLER. I understand it on that basis, but I understood the gentleman from Florida (Mr. YOUNG) to say that he wanted these cuts, because he thought this money was going to countries that had plenty of money. I thought that was the point the gentleman made. Some of them certainly are well-to-do countries. We know they are well-to-do, because we are sending them our dollars each and every day in a tremendous amount. So I understand the gentleman to be questioning whether these countries should be receiving that kind of aid.

Mr. McHUGH. I do not know how familiar the gentleman is with some of these countries, but I do not think anyone could reasonably suggest that Ethiopia is a rich country, or Uganda is a rich country. My understanding is that the gentleman from Florida (Mr. YOUNG) is very distressed with the governments in some of these countries. Saudi Arabia may be what the gentleman is thinking of.

Mr. WYDLER. Yes, I was, and Iran.

Mr. McHUGH. As the gentleman from Texas pointed out, Saudi Arabia contributes considerably more, as I understand, 300 percent more, to UNDP than it has received in technical assistance from the technical experts employed.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. YOUNG of Florida, and by unanimous consent, Mr. McHUGH was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. McHUGH. I will be happy to yield to the gentleman.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Under the theory of the Saudi Arabians and the Iranians contributing more than they get back, the United States the largest contributor does not get anything back; is that not true? We are a rather wealthy nation, but we do not get anything from UNDP. Saudia Arabia and Iran are also wealthy, but they do get UNDP benefits.

My question is—and I thank the gentleman for yielding—is it not true that even if this amendment were to be adopted, this would still be the largest appropriation for UNDP this Congress has ever made—even with the amendment? Is that not true?

Mr. McHUGH. I am not sure. I am willing to accept that fact if the gentleman states it. I have no reason to doubt it. I was only pointing out that relative to other nations' contributions, relative to the percentage of participation of the United States with regard to those other nations, since 1970 we have gone from a level of participation of 35 percent to a level of 18 percent, and I think that is a direction which is attractive to the United States.

Let me say further with respect to Saudi Arabia, the situation in Saudi Arabia, as the gentleman knows, is such that while that country has a great deal of new money, it does not have a great deal of technical expertise. That is not the case in the United States. Fortunately, we are blessed with great technical capacity, and we do not need the UNDP for that purpose. Saudi Arabia does. Money does not necessarily mean technical capacity.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, is it not so that Saudi Arabia can afford to pay for that technology; Iran can afford to pay for that technology, and why not?

This is a tough world. The United States is really finding out how tough the world is with our dollar falling and with our balance of payments deficit.

Mr. McHUGH. I certainly do think Saudi Arabia can give equal value for those technical services. I pointed out earlier that it has given at least 300

percent more in value than it has received.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 202, not voting 41, as follows:

[Roll No. 639]

AYES—189

Abdnor	Frey	Myers, John
Andrews, N.C.	Fuqua	Natcher
Andrews, N. Dak.	Gammage	Neal
Applegate	Gaydos	Nichols
Archer	Gibbons	O'Brien
Armstrong	Gilman	Panetta
Ashbrook	Ginn	Pickle
Badham	Glickman	Poage
Bafalis	Goodling	Pressler
Barnard	Gradison	Preyer
Bauman	Gudger	Quayle
Beard, R.I.	Guyer	Quillen
Beard, Tenn.	Hall	Regula
Benjamin	Hammer-schmidt	Rhodes
Bennett	Hansen	Risenhoover
Bevill	Harsha	Roberts
Bowen	Hefner	Robinson
Breaux	Hightower	Rose
Brinkley	Hillis	Rousselot
Brooks	Holt	Rudd
Broomfield	Horton	Runnels
Brown, Ohio	Hubbard	Russo
Broyhill	Huckaby	Santini
Buchanan	Hyde	Satterfield
Burgener	Ichord	Sawyer
Burke, Fla.	Ireland	Schulze
Burleson, Tex.	Jacobs	Sebelius
Butler	Jenrette	Shuster
Byron	Johnson, Colo.	Sikes
Carter	Jones, N.C.	Skelton
Clausen, Don H.	Jones, Okla.	Skubitz
Clawson, Del	Jones, Tenn.	Smith, Nebr.
Cleveland	Kazen	Snyder
Cohen	Kelly	Spence
Coleman	Kemp	Stangeland
Collins, Tex.	Kindness	Steed
Corcoran	Lagomarsino	Stockman
Crane	Latta	Stratton
Cunningham	Lent	Stump
Daniel, Dan	Levitas	Symms
Daniel, R. W.	Livingston	Taylor
Davis	Lloyd, Tenn.	Thone
de la Garza	Lott	Treen
Devine	Lujan	Trible
Dickinson	McDonald	Vander Jagt
Dornan	McEwen	Volkmer
Duncan, Tenn.	Madigan	Waggonner
Early	Mahon	Walker
Edwards, Ala.	Mann	Walsh
Edwards, Okla.	Marlenee	Watkins
Eilberg	Marriott	White
Emery	Martin	Whitehurst
English	Michel	Whitley
Ertel	Miller, Ohio	Wiggins
Evans, Del.	Minish	Wilson, Bob
Evans, Ga.	Mitchell, N.Y.	Winn
Evans, Ind.	Mollohan	Wolff
Fithian	Montgomery	Wydler
Flippo	Moore	Wylie
Forsythe	Moorhead, Calif.	Yatron
Fountain	Mottl	Young, Fla.
Fowler	Murphy, Pa.	Young, Mo.
Frenzel	Murtha	Zeferetti

NOES—202

Addabbo	Baucus	Brodhead
Akaka	Bedell	Brown, Mich.
Alexander	Beilenson	Burke, Calif.
Ambro	Biaggi	Burlison, Mo.
Ammerman	Bingham	Burton, John
Anderson, Calif.	Blanchard	Carr
Anderson, Ill.	Blouin	Cavanaugh
Annunzio	Boggs	Cederberg
Ashley	Boland	Chisholm
Aspin	Bonior	Clay
AuCoin	Bonker	Conable
Baldus	Brademas	Conte
	Breckinridge	Corman
Cornell	Keys	Pike
Cornwell	Kildee	Price
Cotter	Kostmayer	Pritchard
Coughlin	Krebs	Pursell
D'Amours	Krueger	Rahall
Danielson	LaFalce	Railsback
Delaney	Leach	Rangel
Dellums	Lederer	Reuss
Derrick	Lehman	Richmond
Derwinski	Lloyd, Calif.	Rinaldo
Dicks	Long, La.	Roe
Dingell	Long, Md.	Rogers
Dodd	Luken	Roncalio
Downey	Lundine	Rooney
Drinan	McClory	Rosenthal
Duncan, Oreg.	McCloskey	Rostenkowski
Eckhardt	McCormack	Roybal
Edgar	McFall	Ruppe
Edwards, Calif.	McHugh	Ryan
Erlenborn	McKay	Sarasin
Fary	McKinney	Scheuer
Fascell	Maguire	Schroeder
Fenwick	Markey	Seiberling
Findley	Marks	Sharp
Fish	Mattox	Simon
Fisher	Mazzoli	Smith, Iowa
Flood	Meeds	Solarz
Florio	Metcalfe	Spellman
Foley	Meyner	St Germain
Ford, Mich.	Mikulski	Staggers
Fraser	Mikva	Stanton
Garcia	Miller, Calif.	Stark
Gephardt	Mineta	Steers
Giaimo	Mitchell, Md.	Steiger
Gonzalez	Moakley	Stokes
Gore	Moffett	Studds
Grassley	Moorhead, Pa.	Thompson
Green	Murphy, Ill.	Thornton
Hagedorn	Murphy, N.Y.	Traxler
Hamilton	Myers, Gary	Tucker
Hanley	Myers, Michael	Udall
Hannaford	Nedzi	Ullman
Harkin	Nolan	Van Deerlin
Harris	Nowak	Vanik
Heckler	Oakar	Vento
Heftel	Oberstar	Walgren
Holland	Obey	Waxman
Hollenbeck	Ottinger	Weaver
Holtzman	Patten	Weiss
Howard	Patterson	Wilson, Tex.
Hughes	Pattison	Wirth
Jeffords	Pease	Wright
Johnson, Calif.	Pepper	Yates
Jordan	Perkins	Zablocki
Kastenmeier	Pettis	

NOT VOTING—41

Bolling	Flynt	Quie
Brown, Calif.	Ford, Tenn.	Rodino
Burke, Mass.	Goldwater	Shipley
Burton, Phillip	Harrington	Sisk
Caputo	Hawkins	Slack
Carney	Jenkins	Teague
Chappell	Kasten	Tsongas
Cochran	Le Fante	Wampler
Collins, Ill.	Leggett	Whalen
Conyers	McDade	Whitten
Dent	Mathis	Wilson, C. H.
Diggs	Milford	Young, Alaska
Evans, Colo.	Moss	Young, Tex.
Flowers	Nix	

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. Burke of Massachusetts against.

Mr. Le Fante for, with Mr. Shipley against.

Mr. Chappell for, with Mr. Conyers against.

Mr. Whitten for, with Mr. Tsongas against.

Mr. Teague for, with Mr. Hawkins against.

Mr. PATTEN changed his vote from "aye" to "no."

Mr. GOODLING changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ECONOMIC SUPPORT FUND

Economic support fund: For necessary expenses to carry out the provisions of sections 498, 499 and 500 of the Foreign Assistance Act of 1961, as amended, $1,827,000,000: *Provided*, That of the funds appropriated under this paragraph, $785,000,000 shall be allocated to Israel, $750,000,000 shall be allocated to Egypt, $93,000,000 shall be allocated to Jordan, and $90,000,000 shall be allocated to Syria: *Provided further*, That not more than $50,000,000 shall be available for the Southern Africa Program: *Provided further*, That none of the funds appropriated under this heading may be used to carry out the provisions of section 499(b)(3)(A) of the Foreign Assistance Act of 1961, as amended: *Provided further*, That none of the funds appropriated under this heading may be used to provide a United States contribution to the United Nations Relief and Works Agency: *Provided further*, That none of the funds appropriated under this heading may be used to carry out the provisions of section 17 of the International Security Assistance Act of 1978.

AMENDMENT OFFERED BY MR. BUCHANAN

Mr. BUCHANAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: Page 6, line 23, strike out "$1,827,000,000" and insert in lieu thereof "$1,837,000,000".

Mr. BUCHANAN. Mr. Chairman, my amendment would add $10 million to the $1.8 billion provided for the economic support fund for the purpose of increasing our refugee assistance to Cyprus.

Yesterday, the majority of our colleagues voted to remove the arms embargo against Turkey. In so doing we included language committing the United States to actively support efforts to achieve a just solution on Cyprus and to provide "full protection for human rights."

My amendment reflects that commitment. It is identical to my amendment which was accepted when the International Development and Food Assistance Act was before the Committee of the Whole House in May.

While the estimates vary, there may be as many as 200,000 refugees on Cyprus who cannot return to their homes. I sincerely hope and pray that the action of the House on yesterday will bring movement which will permit a return to normalcy on Cyprus, but it has not happened yet.

Many thousands of these refugees are schoolchildren who do not have adequate educational facilities. Housing is needed for some 50,000 persons. The Cypriot economy is still suffering as a result of the 1974 invasion.

This amendment would bring the appropriation up to the level authorized and appropriated last year. The need has not abated and I would, therefore, urge the adoption of this amendment.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, the committee has examined the gentleman's amendment, finds no objection to it, and accepts it.

Mr. BUCHANAN. I thank the gentleman from Maryland.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we are happy to advise that the

minority has examined the gentleman's amendment and with strong compassion for the people of Cyprus we accept the amendment.

Mr. BUCHANAN. I thank the gentleman from Florida.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I support the amendment of the gentleman from Alabama which I cosponsored, to add $10 million to the economic support fund for Cyprus. This figure would raise the amount of funds to be applied primarily for refugee assistance to the level authorized.

During the arms embargo debate of the last few days, much has been said about our concern for the Cypriot people. This amendment allows us to replace that rhetoric with action. It is estimated that there are upward of 200,000 Greek-Cypriot refugees left on the island. Many of these people are but 15 miles from their homes, but as long as there is no political settlement, they will suffer the indignities of the rootless.

One particular problem is the lack of schooling for refugee children. I understand that there are only two schools for thousands of children.

We would all agree that a political settlement which would allow the refugees to come home is the ideal situation to this problem and this Congress expects that the solution will become a reality in the near future. However, for the time being, we should not ignore the true victims of this impasse. I therefore urge that this amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. BUCHANAN).

The question was taken; and on a division (demanded by Mr. CONTE) there were—ayes 70, noes 11.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: On page 6, line 23, strike "$1,837,000,000" and insert in lieu thereof "$1,747,000,000".

On page 7, in line 1, immediately after "Egypt" insert "and";

On page 7, in line 2, immediately after "Jordan" strike all that follows through the end of that line and insert in lieu thereof a colon;

On page 7, in line 13, strike the period at the end of the line and insert in lieu thereof a colon;

On page 7, immediately after line 13 insert the following new proviso: *"Provided further,* That none of the funds appropriated under this heading may be used to provide assistance to Syria."

Mr. DERWINSKI. Mr. Chairman, my amendment to H.R. 12931 provides that none of the funds appropriated may be used to provide assistance to Syria. I am offering this amendment because what began as a supposed Syrian police action against Christians in Lebanon escalated into a full-scale assault on Christians.

According to one Newsweek journalist, who has reported from Lebanon for almost 3 years, the recent Syrian shelling of Christian areas recalled the worst days of the Lebanese civil war.

On one night alone, the Syrans pumped an estimated 1,200 shells into the Christian zones. At a hospital in Beirut, more than 115 rockets and mortars fell in one evening. Six days of fighting in Lebanon left more than 200 dead and 500 wounded.

The Syrians, through this kind of action, have been attempting to impose a "pax Damascus" in Lebanon.

Moreover, recent Syrian actions have caused a constitutional crisis because of Lebanon's President Sarkis's attempted resignation. At this time, no other political leader—other than Sarkis—is believed to be acceptable to both Muslim and Christian groups.

The savage Syrian action in Lebanon threatens to drag the Middle East closer to an allout war. In attempting to crush the Christians, Syria provoked Israel into a readiness position on the border of Lebanon.

Moreover, there is no telling how much damage has been done to the Israeli-Egyptian peace talks and in particular, Israel's attitude toward security arrangements in any peace settlement. Israel fears Lebanon may become another confrontation state.

I find it difficult to imagine any desire by the Syrians for real peace in the Middle East.

The Syrian Government has condemned President Sadat's peace initiatives as a betrayal of maintaining a unified Arab front.

Syrian officials believe that it is naive to think Sadat can succeed in any peace initiative. In June 1978, President Asad asserted that Sadat's peace initiative is a step on the road to war and not a step on the road to peace. As a result, Anwar Sadat is barely on speaking terms with Syrian President Asad.

The Syrian Government not only dislikes Sadat, but certainly detests Israel and the Jewish people. Syria restricts the emigration of Syrian Jews to Israel.

In a recent interview, July 20, 1978, with a BBC correspondent, Syrian Information Minister Ahmad Iskandar Ahmad stated that—

The Syrian army has but one task whether in Beirut or in the Golan, namely, the defense of Arab interests and the defense of Arab rights. The Syrian army's tasks in Beirut also extend to Israel and Israel's aggression and Israel's racism and expansion.

On July 13, 1978, the Damascus Domestic Service reported that—

Striking at the Phalangist and Sham'unist gangs necessarily means foiling the partition conspiracy in Lebanon and aborting the imperialist-Zionist plan in all its forms in Lebanon and the entire area.

On July 8, 1978, the Damascus Domestic Service announced that—

The Phalangists and National Liberals will pay the price of their arrogance. At least they will be used again to cover the new step of the conspiracy which the United States, Israel, and Al-Sadat are carrying out against the Arabs. . .

President Asad stated to the London Financial Times in June, 1978, that—

He did not think that there was any need for Mr. Al-Sadat to go to Jerusalem to expose the aggressive and expansionist spirit prevailing in Israel.

Moreover, Asad stated to London Financial Times reporters that—

You will not catch President Al-Asad saying "This is the year of peace."

I strike from the bill $90 million for Syria. First I should explain, by way of background, that I had this amendment in committee and I intended to offer it at that time but I was persuaded by a number of my colleagues that the Syrians were a positive force in the Middle East, that they were helping toward peace. They were becoming more moderate, they were becoming more pro-Western, they were becoming more pro-modern and, therefore, I did not offer it.

In the last 3 weeks a real tragedy has unfolded, the tragedy of the Christian peoples of Lebanon being subjected to a large attack by the Syrian Army.

I do not know if any of the Members have ever visited Lebanon—and if you have not, now would be a terrible time. Because it would be a terrible sight—but before the civil war broke out in Lebanon, it was truly one of the beautiful spots in the world. It was also a country where people of different races, people of different religions, had learned to live together. It was also a country that had a very, very fragile political structure that was based on mutual respect and it worked.

Four or five years ago the PLO that were there in the camps near Beirut, became so politicized through Arafat that they deliberately upset the fragile political balance in Lebanon.

Two years ago to supposedly end the civil war Syrian troops marched in and they first maintained the fragile peace between the PLO forces and the Christians in Lebanon.

The last 2 or 3 weeks, obviously under orders because they are a disciplined military force, they have attempted to eradicate the Christian militia. In the process hundreds and thousands of innocent civilians have been killed, slaughtered in this military massacre.

The United States had a period of about 7 years when we had no relations with Syria. Relations were restored in 1974. Immediately an aid program was commenced, and the logic for it, from the State Department's viewpoint is there. After all, they want good will, they want to recoup the lost time, so they immediately commenced an aid program.

The real problem of this aid program, which is political, not motivated by a need on the part of the population, but a politically motivated aid program, was commenced so as to get leverage with the government of Syria.

If that would work I would be the first to applaud it because I understand the political motivations of aid. But it has

not worked, and the reason it has not worked is a very simple reason and that the Soviet Union pours over $1 billion a year in military hardware into Syria. One billion dollars a year. How could you buy, or even hope to balance the pressure on the Syrian Government with $90 million in economic assistance when the Soviets, in military support alone, are providing over $1 billion a year.

By nature I am an optimist. I understand the difficulty. They are always looking on the brighter side over in the State Department. They tell me that the Syrians are a force for moderation, but if you listen to the thoughts of the Syrian foreign minister you will find him to be the heaviest saber rattler in the Middle East.

If you support my amendment, that what you will be doing is striking from the appropriation bill $90 million. I propose not to touch the authorization.

If we, in effect, say to the State Department and through them, presumably, to the Syrian Government, "Pull your troops out of Lebanon, show us you are not trying to break up that country, show us you are not creating a new war-like situation on a new border with Israel, show us you are moderate, show us you are pro-Western, show us you are going to stop this indiscriminate slaughter of Christian civilians, and in a year from now Congress, in its wisdom, could approve such an appropriation."

The CHAIRMAN pro tempore (Mr. ASHLEY). The time of the gentleman from Illinois (Mr. DERWINSKI) has expired.

(On request of Mr. GREEN and by unanimous consent, Mr. DERWINSKI was allowed to proceed for 2 additional minutes.)

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I commend the gentleman in the well for his amendment.

I had the experience over the Fourth of July weekend of visiting Israel and going to the so-called Good Fence, a checkpoint on the border between Israel and Lebanon, where the Lebanese Christians come through for medical assistance and supplies. I had the opportunity to talk with a number of Lebanese Christians, not political people, but ordinary farmers and storekeepers. They were grieved and astonished that no one in the Western world seemed aware of their plight or seemed aware of their pending doom.

Mr. Chairman, I am very glad that the gentleman in the well is aware of it and has called it to the attention of the House. I hope all of the Members of the House will hear that cry and do something about it today.

Mr. DERWINSKI. I thank the gentleman from New York (Mr. GREEN) for his support.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the gentleman from Illinois (Mr. DERWINSKI) for raising this issue on the floor of the House and I rise in support of his amendment suspending aid to Syria.

Mr. Chairman, when the members of the Committee on International Relations visited Syria in January of this year, we were astounded to hear the Syrian Foreign Minister tell us that Sadat should be hanged a thousand times for his treasonous acts against the Arab world in his initiatives in seeking to bring peace to the Middle East.

Syria has had a harsh, negative attitude throughout the Middle East peace negotiations. Syria has been closely allied with the Soviet Union. Today in Syria there are more than 1,000 Soviet and East German military advisers. Syria has not been a friend of our Nation, nor has it helped one iota in bringing peace to that part of the world.

This amendment which cuts $90 million in economic supporting assistance to Syria, is unquestionably timely and appropriate in light of Syria's recent posturing in the Middle East.

Syria has continued its strong hostility and adversity toward President Sadat's Middle East peace overtures, it has systematically denounced in strong, unreasonable invective Israel's legitimate rights in the Middle East, and has embraced Soviet policy in opposing a reasonable peace settlement in the Middle East.

Through a program of massive, indiscriminate shelling of defenseless Christian populations—deliberately targeting hospitals, apartments, and homes for the aged—Syria is blatantly attempting to establish control over Lebanon, one of its key objectives being to transfer Lebanon from a buffer state at peace with her neighbor into a confrontation state with Israel.

Accordingly, Mr. Chairman I urge my colleagues to join with the gentleman from Illinois in terminating aid to a nation whose primary objective is to scuttle any hope for a reasonable and just peace in the Middle East.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. DERWINSKI) has expired.

(On request of Mr. HYDE and by unanimous consent, Mr. DERWINSKI was allowed to proceed for 2 additional minutes.)

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. Yes, of course, I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, is the gentleman prepared to write off Syria and confine Syria to total Soviet influence and domination?

Mr. DERWINSKI. No, but I do not know how the gentleman can argue against Soviet control of Syria with its over $1 billion in arm supplies. Syria is properly listed, when we designate countries, as a client state of the Soviet Union.

Mr. HYDE. Does the gentleman feel that foreign aid which directly or indirectly comes from the United States gives this country any entree, any influence, or any voice in Syria?

Mr. DERWINSKI. I would say that $90 million of economic assistance compared to more than $1 billion in military assistance does not give us much entree. The entree is there in terms of formal diplomatic recognition, and communications remain open.

Mr. HYDE. Mr. Chairman, if the gentleman will yield further, I have one more question.

The gentleman has been one of the great advocates—and I have listened to him and agree with him—of the importance of multilateral institutions. Now he is selecting a country which displeases him, for very good reason, and singling that country out to be eliminated from the family of beneficiaries of these multilateral agencies.

Mr. DERWINSKI. This is direct aid.

Mr. HYDE. We are talking about direct aid?

Mr. DERWINSKI. U.S. direct aid, which really makes it clear.

I do not object to the multilateral aid concept. I do object to our attempting to use $90 million in a program which is purely political when, in fact, the Syrians have deliberately tied themselves to the Soviet military apron strings.

Mr. HYDE. Mr. Chairman, I thank the gentleman.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. DERWINSKI) has expired.

(On request of Mr. LAGOMARSINO and by unanimous consent, Mr. DERWINSKI was allowed to proceed for 2 additional minutes.)

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I commend the gentleman for his amendment, and I support it.

It is interesting that in justifying the aid request for Syria this year, the administration stated the following:

> U.S. policy seeks to encourage Syria to pursue a peaceful path to a general settlement and to strengthen U.S.-Syrian cooperation and mutual trust which is essential to continued progress towards peace." But significantly, the Administration had to delete an assertion it made in its aid recommendation last year—"Syria appears to be committed to a negotiated peace with Israel."

Mr. Chairman, those Members of Congress who visited Syria know that they are not committed to that policy. They have made very strong statements against President Sadat and against the Israelis.

Furthermore, Mr. Chairman, the Soviet fleet maintains bases in two Syrian ports.

Syria has cooperated with Soviet overflights. There are more than 1,000 Soviets and East German military advisers in Syria, and during its 1974 war with Israel, Syrian forces were joined by Soviet-directed Cuban tank forces. Some of those were later transferred to An-

gola. As a matter of fact, as the gentleman has said, Syria receives something like $1 billion a year, and since the 1973 Yom Kippur War Syria has received more than $3.5 billion worth of military equipment from the U.S.S.R.

Mr. Chairman, I urge adoption of the amendment.

Mr. DERWINSKI. I should add that all the points the gentleman made are correct, but please keep in mind the key issue here is the absolute massacre of innocent Christian civilians in Lebanon, and the real fear that the people in the Middle East have that the goal of Syrian foreign policy is to absorb Lebanon. When they absorb Lebanon they create a new military problem on the flank of Israel, they could well trigger the next Middle East war.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(At the request of Mr. FISH, and by unanimous consent, Mr. DERWINSKI was allowed to proceed for 1 additional minute.)

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New York.

Mr. FISH. I thank the gentleman for yielding and want to commend him for his amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

It is hard for me to believe that this year's foreign aid appropriations bill contains $90 million in economic support for Syria. The United States has provided Syria $425 million in economic assistance since 1975. We were told this was to promote a moderation in Syrian policies; $425 million later, Syria remains one of the most militant nations in the Middle East. Not only has Syria attempted to block any constructive peace initiatives by Sadat, Begin, or the U.S. Government, but has also brought death and destruction to Lebanon. An estimated 40,000 Syrian troops are stationed in Lebanon as a so-called "peacekeeping" force. Since May, daily Svrian shelling of Lebanese Christian neighborhoods has resulted in the death of over 300 civilians and injury to countless thousands.

I support the amendment offered by my colleague, Mr. DERWINSKI, to delete $90 million in aid to Svria, because I believe the economic aid in the past has not proven to be productive in moderating Syria's militant policies in the Middle East, but rather rewards Syria for following policies detrimental to peace in the Middle East.

AMENDMENT OFFERED BY MR. BINGHAM AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DERWINSKI

Mr. BINGHAM. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM as a substitute for the amendment offered by Mr. DERWINSKI:

Page 6, line 23, strike out "$1,837,000,000" and insert in lieu thereof "$1,792,000,000"; and on page 7, in line 2, strike out "$90,000,000" and insert in lieu thereof "$45,000,000".

Mr. BINGHAM. Mr. Chairman, the purpose of this amendment is very simple. It is to substitute a cut of 50 percent in the amount of aid provided to Syria by the committee in lieu of knocking it all out as would be done by the amendment offered by the gentleman from Illinois (Mr. DERWINSKI). I must say that I agree with most of what the gentleman has said in terms of his description of the situation. The Syrians have, indeed, not justified the kind of aid that we have been giving them in terms of making any contribution whatever to a peaceful settlement in the Middle East.

I heard the same remarks that my colleague, the gentleman from New York (Mr. GILMAN) quoted by the foreign minister of Syria in January. Their attitude toward the Sadat initiative was totally negative and hostile.

I also agree with what the gentleman from Illinois (Mr. DERWINSKI) has said about the performance in Lebanon. I think it is shocking that the indiscriminate slaughter of Lebanese Christians has gone so largely unnoticed by the world and by the administration. I recently organized a letter to the President which many of the Members have signed, urging that the President condemn these actions and take action possibly at the U.N. to put an end to them.

Why then am I offering a substitute to reduce the cut to a 50 percent cut? Very simply, Mr. Chairman, it is because I think to cut out all the aid is too drastic. I do not think we can foresee the consequences. We do not want to leave Syria entirely in the hands of the Russians. There is no question that they have been trying to make moves away from total domination. They have cooperated with us in the administration of the AID to date. I spoke with our AID Administrator in Damascus, who is a career officer in the service, and he told me that he rarely has had better cooperation in the administration of the AID programs than he has had there. In addition, we should recognize that the Syrian performance in Lebanon has not been all bad. When they first went in, they did a lot of good things, and they showed considerable courage in the way in which they took on the PLO. They have also in recent years substantially improved the treatment of the Jewish minority in Syria, and removed many of the restrictions.

Thanks in great part to the work of the President and of our colleague, the gentleman from New York (Mr. SOLARZ), Syria has allowed some Syrian Jewish women to emigrate, which was a new departure.

The Syrians have also not joined with the total rejectionist front in terms of the peace settlement. They have not joined with Libya and Iraq and those who are opposed to peace with Israel.

So there have been positive elements in the situation.

These may be slim reeds upon which to say we should provide Syria with $45 million in aid, which is still a very large amount. I simply feel that a total elimination of aid at this point is too drastic and the consequences of which we cannot totally foresee.

I hope my substitute amendment will be adopted.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I am glad to yield to the gentleman from California.

Mr. DORNAN. Mr. Chairman, I understand the gentleman not wanting to take as drastic a cut, but what exactly, exactly is the $90 million going for?

Mr. BINGHAM. This is all economic assistance, project aid.

Mr. DORNAN. Can the gentleman imagine the Syrian attitude when we say, "We are not going to crack you across the face as hard at first, only half as hard. We are only going to cut you down to $45 million."

What would the gentleman think their attitude would be in receiving one-half a check? Hatred that is what. I say all or nothing while they continue to shell civilian areas.

Mr. BINGHAM. Mr. Chairman, I would remind the gentleman, the subcommittee and the full committee reviewed this and recommended the full amount of $90 million, which is in the authorization bill; so that there is no question but that a total elimination of the assistance would be seen by the Syrians as if we had entirely written them off.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to tho amendment.

Mr. Chairman, since fiscal 1976, the United States has maintained a finely balanced program in the Middle East. An integral part of this program has been a modest economic assistance program of $90 million for Syria.

In return, the Syrians have consistently pressed for broader United States-Syrian relations. The Syrians have been playing a helpful role with regard to events in South Lebanon. First, they made clear they would not be drawn into fighting with the Israelis. This was done in the teeth of shrill criticism from the Arab rejectionist states that the Syrians were selling out to the Palestianians. Then in the negotiations leading up to adoption of Security Council Resolution 425, the Syrians agreed not to press for language condemning Israel.

Subsequently, the Syrians—at the Lebanese request—took steps to prevent further reinforcements of the Palestinians by the Iraqis, again despite sharp criticism throughout the Arab world that the Syrians were undermining the Palestinians. The Syrians have also pressed the Palestinians to cooperate with the U.N. forces in Lebanon.

Syria has been quietly helpful in resolving the problems of Syrian Jewish emigration.

Mr. Chairman, the program in Syria is a modest one: $90 million used primarily for rural electrification, agricultural credits, and improved water supply systems.

To single out Syria for reductions of security supporting assistance would be treated as an extremely negative and hostile act by the Syrians. It has the potential for serious damage to the negotiating process now underway.

Mr. Chairman, I urge that the amendment be defeated.

Mr. KAZEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take the well at this time in a most difficult personal situation. I am an American of Lebanese extraction. Both of my parents were born in Lebanon. I am like other Members of this Congress who are of different extractions and who have taken the floor on occasion to speak when we are dealing with the world situation in other countries.

Tonight I do not speak on this amendment in reference to Syria's role in the Middle East peace situation. I do not speak of Syria in its role originally as a peacekeeping force in Lebanon. Tonight I do speak of the actions of Syria since they have been in Lebanon and the actions which they have taken against the people of the oldest democracy in the Middle East. I speak of the slaughter of Lebanese Christians. I speak of the destruction of Lebanese hospitals, hotels, and businesses and, of course, of the tremendous loss of life.

This little democracy, which was the only democracy in the Middle East, the only country in the Middle East where Jews, Moslems, and Christians have been able to live in harmony for years and years, is a country which never even maintained an army but just a police force. It is a country which could not defend itself from the Palestinian refugees who are in that country and who, through several means, invaded the territory of Israel and then had Israel retaliate, against the Palestinians and the Lebanese alike, with the Lebanese not having the means with which to restrain the Palestinians in their own country.

They have seen people come into their own country as guests and finally wind up as dictators of the country's destiny.

I would commend Syria's action as peacekeepers when they first came in, but, Mr. Chairman, there is no way that I could condone or that this Congress or this country could condone the recent actions of the Syrian armies in Lebanon. Actions which have demolished one of the most peaceful and beautiful countries in the world.

I favor the Bingham amendment, because I think that we should send a message to Syria to say: "You have a role to play in the Middle East, a very constructive role, if you would set your mind to it, but we do object to the atrocities that have been committed in the name of peacekeeping."

Let us hope that with this country's involvement and urging upon the United Nations, somehow we can get the Syrians disarmed and out of Lebanon and the Palestinians disarmed in Lebanon. Let us hope we can get the Christian militia disarmed in Lebanon and see to it that there is a strong central Lebanese army and government run by all Lebanese-Christians, Moslems, and Jews. And finally, Mr. Chairman, let us hope that Lebanon can soon be reconstructed and take its rightful place among the great democracies of the world.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to both amendments.

Mr. Chairman, I have a great deal of affection for the gentleman who just spoke. I think he is one of the most decent and thoughtful Members of this House, and I certainly understand the emotion with which he addresses this issue, because it is very difficult not to. I think we probably should approach it with emotion, because it is important to human beings. But I am terribly concerned that if we adopt either the original amendment or the amendment offered by the gentleman from New York (Mr. BINGHAM) we will in fact accomplish the exact opposite of our intent.

At this moment we do not have an Ambassador in Syria. Our Syrian Ambassador, Mr. Murphy, has moved on to the Philippines to another very difficult assignment. Most of what has happened in recent weeks in Lebanon occurred after Mr. Murphy left. Our new Ambassador arrives in Syria tomorrow. The foreign minister of Syria is going to Lebanon this week to try to negotiate a cease-fire. And under those circumstances I would think it would be very unwise for us to put our new Ambassador to Syria in a position under which he walks in to present his credentials tomorrow and he has to carry the bad news that the House tonight either cut in half or totally wiped out the assistance package which we have had in this bill for Syria since 1973.

Mr. Chairman, I do not want Lebanon to become any more of an Ireland than it is today. And in spite of the overreaction of the Syrians—and no one can deny that they have overreacted—I also do not think that anyone can deny that they have been provoked, because the right-wing Christians—not all of the Christians, by any means, in Lebanon, but the extreme right-wing Christians—have been trying to provoke the Syrians into confrontation, in hopes that they then can achieve a partition in Lebanon. That may very well be what happens in the end.

I do not know if that ought to happen. I do not think many Members in this House do. But I do believe that the worst thing that we could do at this moment is to overreact to what I think everybody in this House recognizes as a Syrian overreaction (because they have been sniped at for weeks). And I do not defend the retaliation to any degree whatsoever. But we have to keep two things in mind. I think President Asad would very much like to withdraw, because it is costing the Syrians large amounts of money to stay in Lebanon. It is endangering his survival as the leader of Syria, and the easiest thing for him would be to withdraw. But if he does, we will see a continued bloodbath in Lebanon and we will see conditions which equate those in Ireland for the last 10 years. As much as we agree with the sentiments expressed by the gentleman from Texas, I think the responsible thing to do is to turn down both of these amendments so that our new Ambassador in Syria has an opportunity to present our Government's feelings about this in the strongest possible manner and so that we do not precipitate Syrian withdrawal from Lebanon, because that will lead to conditions far worse than you have in Lebanon today.

I want to address for one moment the question of Soviet influence in Syria. I just want to use two statistics. In 1968, Syrian imports from the West were 44 percent of their total imports. Today, their imports from the West are 63.7 percent. That does not indicate to me that Syria is moving toward the Soviet bloc countries.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I would also like to point out one additional fact. Soviet advisers, at the height of their influence in Syria, totalled about 3,500. They are currently about 500 less. I also do not believe that that indicates that Syria is moving more rapidly into the Soviet camp.

I want to make one other point. If the Sadat initiative collapses, the only choice for us is to go to Geneva. There can be absolutely no progress in Geneva without the cooperation of the Syrians, and I do not believe that they are going to be especially responsive either in Lebanon or in Geneva if we knock off half of their aid in this package and wind up with a bill that gives $785 million to Israel, $750 million to Egypt, and $93 million to Jordan, while we cut them in half.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the Bingham amendment.

Mr. Chairman, I will be very brief. I do not believe in wearing out my welcome with the Members, but let me say to my friend from Wisconsin that his presentation can only be described as a "midsummer night's dream." I hope he revises and extends his remarks and takes most of them out of the RECORD. His was an absolutely sad debate on the issues before us.

How could the gentleman stand there and say that hundreds and thousands of people being slaughtered in Lebanon should be forgotten when our Ambassador walks into Damascus with his credentials? Our Ambassador ought to be back here as a sign of displeasure. We were displeased with the Soviets, because they had three dissidents on trial. Secretary Schlesinger and others were

told to stay in Washington, that they should not go there with their credentials. While the gentleman and I are speaking, hundreds of citizens could be murdered in Lebanon by this so-called peacekeeping army. If your logic prevails, we will be giving foreign aid to Libya while they are slaughtering people in Chad. Libya can continue slaughtering people, and the Soviets can go on persecuting dissidents.

The facts of life are that we have a Syrian Army wiping out the civilian population of a neighboring country, and I say this is no time for the United States to say, "Look, we know your intentions are good; you seem to be murderers, but here is our Ambassador and here is your American check." That is the most illogical argument I have heard on the floor of this House in years, and I have heard many.

Mr. MOFFETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we should make it clear to the membership that was not favoritism, one Lebanese recognizing another.

The CHAIRMAN. Without objection, it is so ordered.

Mr. MOFFETT. Mr. Chairman, the gentleman from Texas (Mr. KAZEN) agonized over these amendments, and this Member is in the process of agonizing as an American and as a Lebanese-American. There is no question that this has been a very serious situation. There is no question that there has been slaughter of civilians. The Syrian local commanders were given discretion to do what they saw as necessary to quell the disturbance, and that led to the killing of a lot of innocent people, and apparently to the shelling of hospitals.

It does not make any sense in my mind to have the Syrians, who have never been really trusted, in Lebanon, as the head of the peacekeeping force.

I think that the U.N. and the Congress should address the Lebanese situation as a whole. The Lebanese Americans and other people who care about the country are concerned that Lebanon, a small country, will be dealt away and in the bigger stakes of the Middle East peace negotiations, and we have to pay attention to that.

But it is also important for us particularly the Lebanese Americans and particularly the Lebanese American Christians, to say something else. That is, the Christian militia, while they are composed of a lot of dedicated people and a lot of very good people, are also composed of some people who have been involved in family warfare, who have been involved in gang warfare, and who have been involved in rackets and other things for a number of years, and they are not totally blameless in this situation.

I think there is a little bit of hypocrisy in merely pointing the finger at the Syrians.

As much as there is distrust and mistrust in Lebanon of the Syrians, and even in a Lebanese community in America and even in a Lebanese Christian community in this country, there is a little bit of bleeding heart over the Lebanese Christian community. But did our hearts bleed when Lebanon was going through the civil war? Did our hearts bleed when the cluster bombs were dropped on the south? What about the devastation of southern Lebanon? What did we say then about cutting economic aid?

It is a very tough political statement and a very strong statement, but it is a very tough statement politically. I was in the hall talking to ABAC. I know they are concerned. I know they are concerned about Syria's behavior.

I know the Lebanese are concerned that if the Syrians are acting this way during the peacekeeping mission, how are they going to act after that?

I do not blame the American Israeli group for being for this amendment. But I am not so sure we can just point the finger and take economic aid away from Syria when we have not been able to talk about the other situations. I am just not so sure our record is such that we should do that.

Both Syria and Israeli were involved in the part of the devastation. They have participated. They claim it was for self-defense.

The Members heard the gentleman from Wisconsin say the Syrians were harassed, and there is some truth to that. They claim self-defense. When Prime Minister Begin was here and I asked him about the shelling, he said: "Self-defense."

But let us be evenhanded. I do not speak for Lebanese Americans here, but I think what they want is not a divided country, not a partitioned country. They need our help. And all Lebanese of all religions need our help. They need the total response and not simply an elimination, as the gentleman from Illinois proposes, of economic aid.

It just smacks too much of one-sidedness, a sort of blindness to other things going on in the country.

For that reason I oppose his amendment.

Mr. HAMILTON. Mr. Chariman, I rise in opposition to both the Derwinski amendment and the Bingham amendment. These are extraordinarily difficult amendments to oppose. I suspect it is true that there is scarcely a constituent in any of our constituencies who would oppose these amendments. Yet I do oppose them because I sincerely believe that their adoption will make more difficult the peace process in the Middle East.

In this Nation we have committed ourselves to a peace process in the Middle East. Part of that peace process is that we will provide very large sums of assistance to Egypt, to Israel, and to Jordan, and also to Syria. And we must recognize the fact that there are going to be some things happen and some steps taken by these countries which we do not approve of—and that has certainly been the case with Syria.

But we have to put into perspective the Syrian-American relationship. We have to understand that progress has been made in that relationship. We have to understand that we are not going to have peace in the Middle East without the cooperation of Syria and that this bilateral relationship between the United States and Syria is terribly important.

Syria has taken some positive steps and we can be encouraged by those steps. They are turning more to the West. Their ties with the eastern bloc have been loosened. They have let out some Syrian Jews for immigation, and there are about 500 more that we would like to see come out.

They are prepared to discuss foreign policy matters with the United States.

We have good access to officials in Syria.

Syrians continue to want a peaceful settlement. They have rejected the rejectionists. The rejectionists are those who say that they do not want to have any negotiations of any kind with Israel.

Syria has said that they would go to the Geneva Conference.

They have calmed down their rhetoric against Sadat in recent months. My judgment is if Syria is forced to withdraw from Lebanon, then you are going to have a situation there that will probably mean the resumption of the conflict on a much larger scale to what they had in 1975 and 1976.

If you cut aid to Syria now you are going to push Syria toward the Soviet Union even more. The Syrians have indicated they do not want to go in that direction.

The Syrian ties with the radical states like Libya and Iraq have not been good and Syria has refused to join the rejectionists front.

The time may very well come when we want to reassess our relationship with Syria. I am prepared to launch upon that reassessment in the Committee on International Relations, but I do not think we are at that point right now because the relationship is too delicate and the whole Middle East peace process is too delicate to come in with a slashing amendment which cuts all or half of the aid to Syria. There is simply too much at stake in the peace process.

I would urge the House to reject these amendments.

Mr. LONG of Maryland. Mr. Chairman, we have had some sort of a commitment to rise around 9 o'clock, but I think we would all like to finish the amendments if we possibly could.

I ask unanimous consent that all debate on the pending amendments and all amendments thereto close at 9:20 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. ANNUNZIO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. OAKAR. Mr. Chairman, I move to

strike the requisite number of words, and I rise in opposition to the amendments.

Mr. Chairman, I will not take the full 5 minutes.

Mr. Chairman, this amendment, in my mind, is very subtle and it is very serious. On the surface it is very, very appealing but, in my belief, all we are really trying to do is drive the Syrians to the Soviet Union and complete the ring that is forming around the Middle East in terms of communistic hands.

One only needs to ask who is really intruding on the sovereignty of Lebanon? We have seen invasions and bombings in recent months that have left thousands homeless and hundreds have been killed.

I have spoken many times on the floor about the lack of aid to Lebanon. I testified before the Committee on Appropriations about the lack of aid to Lebanon. Now there is little or no aid in this bill or other bills for Lebanon. Where is all the sympathy for Lebanon when it comes to giving them dollars? None. We have not dealt in this fiscal year in terms of aiding this country. I hope that all the Members are sympathetic to the plight of Lebanon. Certainly I am and I share common ancestry with my two friends.

Mr. Chairman, I share a common ancestry with my two friends; but I believe that this is a very superficial amendment.

I think that we are giving the Syrian Government a pittance compared to other countries in terms of this bill.

Mr. Chairman, I urge not only the defeat of this amendment, but what I really want to urge is that the Committee on International Relations deal with the problems in Lebanon in a comprehensive manner, not in a superficial manner, as this amendment suggests.

Mr. LONG of Maryland. Mr. Chairman, I move that all debate on the pending amendments and all amendments thereto close at 9:15 p.m.

The CHAIRMAN. The question is on the motion offered by the gentleman from Maryland (Mr. LONG).

The motion was agreed to.

The CHAIRMAN. Members standing at the time the motion to limit debate was made will be recognized for 15 seconds each.

The Chair recognizes the gentleman from California (Mr. KREBS).

Mr. LEVITAS. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from California (Mr. KREBS).

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. ASHBROOK. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. KREBS. Mr. Chairman, in light of the time that I have, I would just like to leave this thought with the Members: Where do they think the PLO got the weapons which they have been using over there?

(By unanimous consent, Mr. LEVITAS yielded his time to Mr. KREBS.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. KREBS).

Mr. KREBS. Mr. Chairman, I thank the gentleman from Georgia (Mr. LEVITAS), as well as the gentleman from Ohio (Mr. ASHBROOK).

The history of the Middle East is replete with acts of violence on the part of Syria. We gave Syria an opportunity to try to return to the civilized part of the world.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I rise in support of the Derwinski amendment and urge my colleagues to do the same.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, for all of the reasons cited by the gentleman from Indiana (Mr. HAMILTON), this issue is too delicate and the peace process is too complicated for 435 Members of this House to play Secretary of State at 9:15 at night.

Mr. Chairman, I urge the defeat of both amendments.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DORNAN).

Mr. DORNAN. Mr. Chairman, I rise in support of the Derwinski amendment. ment.

I suggest that everyone stay after and use a computer to get a small readout of this vote and compare it to the immediately prior vote. It will be a fascinating comparison.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I rise in support of the Derwinski amendment and yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MARKS).

Mr. MARKS. Mr. Chairman, I rise in support of the Derwinski amendment. If there was ever a time that foreign aid ought to be taken away, it should be now.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN. Mr. Chairman, I support the Derwinski amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, if the Members have been reading the news, and if they assume their constituents will do the same, I do not know how in good conscience they could oppose my amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. LONG) to close the debate.

Mr. LONG of Maryland. Mr. Chairman, I oppose any cut in the funds for Syria, and I urge everyone to vote against the Derwinski amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM) as a substitute for the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The question was taken; and on a division (demanded by Mr. BINGHAM) there were—ayes 38, noes 78.

So the amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DERWINSKI. Mr. Chairman, to expedite proceedings, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 280, noes 103, not voting 49, as follows:

[Roll No. 640]

AYES—280

Abdnor	Collins, Tex.	Guyer
Addabbo	Conable	Hagedorn
Ambro	Corcoran	Hall
Ammerman	Corman	Hammer-schmidt
Anderson, Calif.	Cornwell	Hannaford
Anderson, Ill.	Coughlin	Hansen
Andrews, N. Dak.	Crane	Harsha
Annunzio	Cunningham	Hawkins
Applegate	D'Amours	Heckler
Archer	Daniel, Dan	Hefner
Armstrong	Daniel, R. W.	Heftel
Ashbrook	de la Garza	Hightower
Aspin	Derwinski	Hillis
AuCoin	Devine	Hollenbeck
Badham	Dickinson	Holt
Bafalis	Dicks	Holtzman
Baucus	Dodd	Horton
Bauman	Dornan	Hubbard
Beard, R.I.	Downey	Huckaby
Beard, Tenn.	Drinan	Hughes
Benjamin	Duncan, Tenn.	Hyde
Bennett	Early	Ichord
Bevill	Edwards, Ala.	Ireland
Biaggi	Edwards, Calif.	Jeffords
Bingham	Edwards, Okla.	Johnson, Colo.
Blanchard	Eilberg	Jones, N.C.
Boggs	Emery	Jones, Okla.
Bonior	English	Jones, Tenn.
Bonker	Erlenborn	Kazen
Brademas	Ertel	Kelly
Breaux	Evans, Del.	Kemp
Breckinridge	Evans, Ga.	Kildee
Brinkley	Evans, Ind.	Krebs
Brodhead	Fary	Krueger
Brooks	Fenwick	Lagomarsino
Broomfield	Fish	Latta
Brown, Ohio	Fithian	Leach
Broyhill	Flippo	Lehman
Buchanan	Flood	Lent
Burgener	Florio	Levitas
Burke, Calif.	Forsythe	Livingston
Burke, Fla.	Fountain	Lloyd, Calif.
Burton, John	Fowler	Lloyd, Tenn.
Burton, Phillip	Frenzel	Long, La.
Butler	Frey	Lott
Byron	Fuqua	Lujan
Carney	Gammage	Luken
Carr	Gaydos	McClory
Carter	Gibbons	McCloskey
Cederberg	Gilman	McCormack
Clausen, Don H.	Ginn	McDonald
Clawson, Del	Gonzalez	McEwen
Cleveland	Goodling	McKay
Cohen	Gore	Madigan
Coleman	Gradison	Markey
	Grassley	Marks
	Green	Marlenee
	Gudger	

Marriott	Quayle	Steed
Martin	Quillen	Steers
Metcalfe	Rahall	Stockman
Michel	Railsback	Stump
Mikulski	Rangel	Symms
Mikva	Regula	Taylor
Milford	Rhodes	Thone
Miller, Ohio	Richmond	Traxler
Mineta	Rinaldo	Treen
Minish	Risenhoover	Trible
Mitchell, N.Y.	Roberts	Tucker
Moakley	Robinson	Van Deerlin
Mollohan	Rogers	Vander Jagt
Montgomery	Rooney	Vanik
Moore	Rose	Waggonner
Moorhead, Calif.	Rosenthal	Walgren
	Rousselot	Walker
Mottl	Rudd	Walsh
Murphy, Pa.	Runnels	Wampler
Murtha	Russo	Watkins
Myers, Gary	Ryan	Waxman
Myers, Michael	Santini	Weaver
Natcher	Satterfield	Weiss
Neal	Sawyer	White
Nichols	Scheuer	Whitehurst
Nowak	Schroeder	Whitley
O'Brien	Schulze	Wiggins
Oberstar	Sebelius	Winn
Ottinger	Shuster	Wolff
Panetta	Sikes	Wright
Pepper	Skelton	Wydler
Perkins	Skubitz	Wylie
Pickle	Smith, Nebr.	Yates
Pike	Snyder	Yatron
Poage	Spellman	Young, Fla.
Pressler	St Germain	Young, Mo.
Pursell	Staggers	Zeferetti

NOES—103

Akaka	Harris	Pease
Alexander	Holland	Pettis
Ashley	Jacobs	Preyer
Baldus	Jenrette	Price
Bedell	Jordan	Pritchard
Beilenson	Kastenmeier	Reuss
Blouin	Keys	Roncalio
Boland	Kostmayer	Rostenkowski
Bowen	LaFalce	Roybal
Brown, Mich.	Lederer	Ruppe
Burlison, Mo.	Leggett	Sarasin
Cavanaugh	Long, Md.	Seiberling
Chisholm	McFall	Sharp
Conte	McHugh	Simon
Cornell	McKinney	Smith, Iowa
Cotter	Maguire	Solarz
Danielson	Mahon	Spence
Davis	Mann	Stanton
Dellums	Mattox	Stark
Derrick	Mazzoli	Steiger
Dingell	Meyner	Stokes
Duncan, Oreg.	Miller, Calif.	Stratton
Eckhardt	Mitchell, Md.	Studds
Edgar	Moffett	Thompson
Fascell	Moorhead, Pa.	Thornton
Findley	Murphy, Ill.	Udall
Fisher	Murphy, N.Y.	Ullman
Foley	Myers, John	Vento
Fraser	Nedzi	Volkmer
Gephardt	Nolan	Wilson, Bob
Giaimo	Oakar	Wilson, Tex.
Glickman	Obey	Wirth
Hamilton	Patten	Zablocki
Hanley	Patterson	
Harkin	Pattison	

NOT VOTING—49

Andrews, N.C.	Flynt	Nix
Barnard	Ford, Mich.	Quie
Bolling	Ford, Tenn.	Rodino
Brown, Calif.	Garcia	Roe
Burke, Mass.	Goldwater	Shipley
Burleson, Tex.	Harrington	Sisk
Caputo	Howard	Slack
Chappell	Jenkins	Stangeland
Clay	Johnson, Calif.	Teague
Cochran	Kasten	Tsongas
Collins, Ill.	Kindness	Whalen
Conyers	Le Fante	Whitten
Delaney	Lundine	Wilson, C. H.
Dent	McDade	Young, Alaska
Diggs	Mathis	Young, Tex.
Evans, Colo.	Meeds	
Flowers	Moss	

The Clerk announced the following pairs:

On this vote:

Mr. Garcia for, with Mr. Burke of Massachusetts against.

Mr. Tsongas for, with Mr. Conyers against.

Mr. Chappell for, with Mr. Shipley against.

Mr. Dent for, with Mr. Nix against.

Messrs. GLICKMAN, BROWN of Michigan, and STARK changed their vote from "aye" to "no."

Messrs. BRADEMAS, WRIGHT, and ASPIN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

● Mr. REUSS. Mr. Chairman, I shall oppose the amendment which will be offered to cut appropriations to the IFI's. U.S. participation in international development banks is a central element of our overall foreign policy. It reflects our political, security, economic, and humanitarian concerns in less developed countries. The administration's budget request for the banks has already been cut by $876 million or 24 percent. The additional cuts of $584 million proposed by the amendment would impair our participation in the banks and damage our foreign policy interests.

Excluding past unfunded appropriations requests, the administration's fiscal year 1979 request for IDA is the same as it was in fiscal year 1978. It has already been cut in committee by more than 20 percent. Now there is proposed an additional cut of $330 million in the soft loan window of the World Bank known as IDA and $254 million in the Inter-American Development Bank.

The amendment strikes directly at IDA's existence. It could threaten the contributions of other countries and the ability of IDA to continue its operations.

Any cut at all for U.S. contributions to the fifth replenishment of IDA could cause the collapse of that replenishment exercise. This is because the other donor countries have conditioned the release of their contributions on the fulfillment of the U.S. pledge. They did so because the administration, quite properly and with due deference to congressional prerogatives, made its pledge "subject to appropriation" by the Congress. The other donors accepted this "conditional" pledge only with great reluctance, and on the proviso that the U.S. contributions woud actually be appropriated. Hence our failure to vote the full amount of this appropriation would destroy the entire fifth replenishment of IDA. This in turn would have a disastrous effect both on North-South relations and on U.S. relations with the other donor countries, our closest allies, because IDA is the largest and most important channel of concessional aid in the world.

Funds for U.S. contributions to the fourth replenishment have already been cut by $320 million. Additional cuts would mean that the United States would be deeper in default in meeting these pledges, $375 million of which was already due last year. All other countries had already paid in full to IDA IV by 1976. Moreover, any further cuts would mean that the United States could not even pay its pro rata share of the disbursements of IDA IV loans, raising major new problems in our relations with donor and recipient countries alike. There is nothing left to cut.

IDA has become the largest single channel for economic assistance to the poorest and least developed countries of the world. Its lending programs have had a direct impact on millions of the world's poorest and most deprived people, helping to meet their basic human needs. In the years since IDA lending began, there have been marked increases in life expectancy, nutrition levels, literacy rates and standards of health care. However, much more remains to be done. Today, 1 billion people do not have access to potable water; 700 million do not have enough to eat; 550 million cannot read and write; and 250 million do not have adequate shelter. It is essential that IDA's lending programs continue and that the conditions and prospects of at least some of these people be improved.

In its most recent fiscal year, IDA committed almost $400 million on highly concessional terms to benefit the least developed countries and the least advantaged elements of the population in black Africa. This amount represented 30 percent of IDA's commitments of resources for the year. A substantial proportion of the funds now being requested for IDA for fiscal year 1979 will be spent on projects in Africa over the next several years. About one-third of IDA funding, amounting to about $600 million annually, now goes to Africa.

In the case of U.S. subscriptions for capital of the Inter-American Development Bank the full appropriation of the $589 million recommended by the committee is essential. It seems to me that there are two critical points affecting this part of the appropriation. First, $562 million of the amount requested is for callable capital to back up the bank's borrowings and does not result in any budgetary outlay. In terms of actual budgetary costs, we are talking about $27.3 million for the U.S. paid-in capital contribution.

Second, in the Inter-American Development Bank, cuts in the U.S. capital subscription could cause the backing out of subscriptions by other member countries. This is because, to keep our veto power in the FSO, we must, under the charter, contribute just over one-third of the bank's capital. For every dollar which we fail to provide, a much greater amount from others must be refused by the bank. U.S. failure to provide our share of the capital will produce major pressure on the United States to give up our veto in the fund for special operations as well as cut back on bank lending by much more than the amount of our shortfall.

The Inter-American Development Bank has been an innovative lender—the first of the banks, for example, to direct its resources to rural potable water programs—and a leader in integrated rural development projects. The bank is now an important financial institution throughout Latin America and the Caribbean. In terms of geography, this region is the closest to the United States of all the developing areas and the most sig-

nificant in terms of economic and financial links as well as historical and cultural ties. It is good business and good politics for the United States to help promote economic growth and social development in this important region.

U.S. participation in all of the international financial institutions is an expression of our leadership in the world. It reflects our concern not only for the progress of other countries but also for the protection of our own interests. A lessening of our support or a withdrawal from the banks would harm both others and ourselves.●

Mr. LONG of Maryland. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair (Mr. KAZEN), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12931) making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1979, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. LONG of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill H.R. 12931, just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DR. KISSINGER SUPPORTS MAJOR AIRCRAFT CARRIER POWER

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

● Mr. SIKES. Mr. Speaker, last March the distinguished former Secretary of State, Dr. Henry A. Kissinger, was invited to give the Adm. Raymond A. Spruance lecture at the Naval War College. In attendance were Under Secretary of the Navy Jim Woolsey, Vice Adm. James B. Stockdale, and many other interested guests of the War College. As one might expect, Dr. Kissinger provided a lucid and thoughtful analysis of recent history and of current events.

Dr. Kissinger's learned discussion is one which should have the attention of the entire membership of this body. However, at the moment, I would like to call attention to his comments on the importance of aircraft carrier power to our country's security. I think it very important that we fully comprehend the views of the former Secretary of State and National Security Adviser to the President on this important subject. His comments on the carrier are of special significance at this time.

I include excerpts of Dr. Kissinger's lecture at the Naval War College on this subject to be reprinted in the CONGRESSIONAL RECORD, and I would urge my colleagues to closely review Dr. Kissinger's position on the importance of naval power, particularly the aircraft carrier, prior to making a decision on this crucial weapons platform:

Excerpts from The Admiral Raymond A. Spruance Lecture, given by The Honorable Henry A. Kissinger, University Professor of Diplomacy, Georgetown University, at the Naval War College on 8 March 1978:

If I have learned any lesson in my 8 years of government service, it is that the United States, when it applies its power, has only two choices. It can apply it, or not apply it! If it applies it, it will get no rewards for losing with moderation! If power is used, then we have to win. And if we are not prepared to win, then we should not ask people to sacrifice themselves. I think that is the fundamental lesson from which everything else must flow!

The second is that, in the crises in which I was involved, the use of naval power—particularly of carrier power—turned out to be almost invariably the crucial element. As the number of our bases around the world is diminishing, the capacity to move our power quickly and without political inhibitions, to signal our determination, is most frequently represented by the deployment of naval ships. Whether this was in the Jordan Crisis of 1970, in Cienfuegos in 1970, in October 1973 during the Middle East War, or in several situations in the Indian Ocean, I found that a crucial element.

I feel very strongly and I will have occasion to say so publicly, that I cannot imagine reducing the number of our carriers. If anything, I think we should increase it. Whether they should all be of the supercarrier size is a technical question into which I do not want to delve.

The third point that I would like to make, of a more general nature, is that the most difficult lesson for the United States to learn is the continuing relationship between power and foreign policy. Our founding fathers were sophisticated men, who used the European balance of power with extraordinary skill to establish the independence of this country, and then to maintain it for the delicate first generation of our national independence. After that period we were protected by two great oceans and the existence of the British Navy, and for over a century we came to believe that we were immune from the experiences of other nations. The balance of power is an invidious term still in many universities. We like to believe that we can prevail through the superiority of our maxims and, of course, our moral convictions are of great importance. But there can be no security without equilibrium. There can be no foreign policy without the ability to pose risks and to provide incentives for other nations to conduct themselves with restraint.

Among the free countries today only the United States possesses the military capabilities and the domestic cohesion to maintain the world balance of power. Without our commitment there can be no security. Without our dedication there can be no progress.

"THE ROLE OF CONGRESS IN AMERICAN FOREIGN POLICY," AN ADDRESS BY CONGRESSMAN JOHN BRADEMAS, AMERICAN EMBASSY, LONDON, ENGLAND

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

● Mr. BRADEMAS. Mr. Speaker, I had the privilege last month of delivering an address at the American Embassy in London, England, on the subject of "The Role of Congress in American Foreign Policy."

I insert at this point in the RECORD the text of my address, which was delivered on July 6, 1978:

"THE ROLE OF CONGRESS IN AMERICAN POLICY"

The longer I serve in Congress the more I am persuaded of how immensely complicated the American political system is.

I shall speak to you tonight about just one dimension of that system, the role of Congress in foreign policy. I do so first because the subject is important, and second, because so powerful in Western Europe is the visceral hold of the parliamentary model of government that the American one is not, even in this country, sufficiently understood.

Moreover, there have been significant changes in the place of Congress in foreign affairs in recent years.

Basic to an understanding of my subject is a recognition of two factors that, together with Federalism, distinguish the American system from the British.

First, we have separation of powers.

Second, we have decentralized political parties.

To these two ingredients must be added a third—a change in the nature of Congress itself, especially in the House of Representatives.

I should like to discuss with you how these three factors have shaped the role of Congress in formulating and implementing American foreign policy.

SEPARATION OF POWERS

We have seen in recent years the reaffirmation of a traditional principle of our system, the separation of powers, through the reassertion by Congress of its rightful place as a co-equal branch in that system.

Now many newcomers to Washington do not really understand our constitutional processes, and I include visitors from our own country as well as from other nations. I also include some Presidents.

People know the phrase, "separation of powers", but the words lack meaning for them. Many persons who ought to know better seem to think that Congress exists to do whatever a President wants it to do. According to this view, a President asks and Congress gives.

But this is not the way the Founding Fathers intended the government of the United States to work.

Certainly, one need not look far to see that this President and this Congress do not always see eye to eye on matters of foreign and defense policy. For example, the House of Representatives is scheduled to vote later this month on two bills on which there will be very sharp differences, running across party lines, between the White House and the other House.

President Carter's foreign aid bill is in deep trouble on Capitol Hill, where some members of his own party are lying in wait with long knives not only to slash his budget but also to impose a variety of restrictions such as banning aid to specified countries or aid for producing specific commodities.

The President, quite rightly in my view, strongly opposes such strings.

To cite another example, the Appropriations Committee has asked the full House of Representatives to approve over $2 billion for a nuclear aircraft carrier which Mr. Carter says we do not need and which he does not want, and there will be a spirited fight on this issue as well, another on which I support the President's position.

Within recent weeks, as you are all aware, there have been heated battles in the Senate both on the Panama treaties and arms for the Middle East.

These several instances are not atypical. For the Constitution of the United States, as Edwin S. Corwin said nearly forty years ago, is "an invitation to struggle for the privilege of directing American foreign policy."

DIVISION OF POWERS IN FOREIGN POLICY

Four major considerations—desire for strong leadership, fear of unchecked ambition, concern for checks and balances, and the need for flexibility—were the bases on which the constitutional structure was erected and these considerations have continued to influence the division of powers and responsibilities in foreign affairs.

How is the division made?

The Constitution designates the President Commander in Chief of the Armed Forces, specifies that he shall receive ambassadors and empowers him, with the advice and consent of the Senate, to make treaties and to appoint ambassadors. These are the only powers assigned to the President that relate specifically to the conduct of foreign affairs.

Congress, for its part, is empowered by the Constitution to provide for the common defense, raise and support armies, provide and maintain a navy, declare war, define and punish piracies and felonies committed on the high seas and offenses against the laws of nations, lay duties and imposts and regulate commerce with foreign nations. To Congress is also given the power of the purse.

In short, the Constitution assigns ultimate power over foreign commerce, military preparedness and war to Congress, permits one-third plus one Member of the Senate to prevent treaties from taking effect and requires Senate approval of ambassadors before they can assume office—all this in addition to the Congressional power to vote money.

The role of Congress in foreign affairs is hardly a junior one.

The division of responsibilities does not end with these enumerated powers. The Constitution provides to each branch a residual clause—in the case of the Executive, the admonition that the President "shall take care that the laws be faithfully executed"; in respect of Congress, the power to "make all laws which shall be necessary and proper for carrying into execution its enumerated powers and all other powers vested in the government of the United States."

These residual clauses, and the actions taken by both branches pursuant to them, have been the basis for additional confusion and conflict.

PRESIDENTS AND CONGRESSES ELECTED SEPARATELY

I must mention as well still another complicating factor: Presidents and Congresses are elected separately. The President, each Senator and each Member of the House of Representatives has his own mandate and his own responsibility to the people.

There is a famous story about Speaker Rayburn, Speaker of the House for more years than any other in history—and, as you know, our Speaker is not only the presiding officer of the House but the partisan leader of its majority as well. With the right combination of qualities, a Speaker can be—as I believe the present one, Thomas P. O'Neill, Jr., of Massachusetts, to be—the second most powerful person in the American government.

In any event, Mr. Rayburn was once asked how many Presidents he had served under. Rayburn responded, "None. But I have had the privilege of serving with eight Presidents."

You will recall that the President is not chosen from among the legislative majority and, indeed, need not even belong to the same party.

This was, of course, precisely the situation in the United States during the Nixon and Ford Administrations, with a Republican in the White House and Democrats in control of both Houses of Congress. I was myself re-elected to Congress in 1972 as an anti-Nixon Democrat at the same time that the citizens of my northern Indiana district voted overwhelmingly to return Mr. Nixon to the White House. In this country, an approximate translation would have been for the same constituency to have voted for Margaret Thatcher as PM and David Owen as MP!

So the White House and Congress are occupied by people often elected for quite different reasons and subject to constituencies of quite varying demands and expectations.

Clearly, the American system was not designed for peaceful co-existence between the executive and legislative branches nor have political realities done much to eliminate the potential for tension between them.

The result of this constitutional arrangement has been a process, nearly two centuries long, of conflict and accommodation. In fact, so much does one branch of the government invade the sphere of the other that we do not have a complete separation of powers at all but rather, as Richard Neustadt put it, "separated institutions sharing powers."

Certainly it should be evident, in respect of my subject tonight, that the Founding Fathers did not frame the Constitution in order to assure a smoothly functioning process for making foreign policy decisions but for a number of other purposes.

EXECUTIVE DOMINANCE IN FOREIGN AFFAIRS

One or another branch has at various points in our history held the upper hand and, before certain developments of recent years, more and more voices were heard urging that Congress might be well advised simply to stand aside to let the President handle foreign affairs.

There were several reasons for this attitude. First, for nearly fifty years, the United States had faced crisis after crisis: depression, war, Cold War. In this atmosphere, in our country as in other Western democracies, the need for decisive action was clear and the tendency to look toward a single leader and therefore a strong Executive understandable.

Developing in conjunction with this climate of crisis, especially after World War II, was an ever more restrictive intelligence classification system, which effectively concentrated foreign policy information in the hands of the President and his advisers.

Moreover, technological advances—radio and television, particularly—gave the President easy access to the American people to make whatever use he wished of the facts he had or claimed to have.

In addition, the rising acceptance of the welfare state led Americans to look increasingly to the executive branch, to the President and the departments and agencies responsible for administering government programs, for solutions to problems.

Just as important, the legislative branch acquiesced in this growing presidential power. Not without justification could Arthur M. Schlesinger, Jr. describe Congress as "the enthusiastic creator of its own impotence". Beyond the lack of time needed to study foreign affairs in depth, many Members of Congress lacked interest while abdication of responsibility enabled them to escape accountability; it was less a risk simply to vote as the President asked.

Over the last generation, then, Congress was largely excluded from a significant role in foreign policy and until a short time ago, was relegated to the posture of rubber stamp or cheerleader for the Executive.

This Congressional attitude was in substantial degree bolstered by acceptance of the Founding Fathers' view that the structural characteristics of the presidency—"unity, secrecy of decision, dispatch, superior sources of information"—were "especially advantageous," as they put, "to the conduct of diplomacy."

A NEW CONFIGURATION OF FORCES

But things have changed in Washington, D.C. There is a new configuration of forces in our national government, and two of the reasons are not difficult to find: Vietnam and Watergate.

The people of the United States, and their elected representatives in Congress, came to realize that the supposed advantages inherent in the presidential "conduct of diplomacy" had not prevented, had in fact contributed to, a long and tragic involvement in Vietnam.

The "secrecy" of executive branch decision-making, so highly prized in the past, enabled the war to be entered by stealth and carried on by repeated deception of both Congress and the American people.

The "unity" of executive branch action was purchased only at the cost of shutting out those who held divergent views.

The "superior sources of information" uniquely available to the Executive proved time and again during the course of the war to be incorrect, self-deluding or deliberately misleading.

And the "dispatch" with which the Executive sought to operate meant, in its most dangerous days, under President Nixon, an effective claim of unlimited authority to employ the armed forces, without Congressional approval or even consultation.

Had the lessons of Vietnam not been enough to stimulate a resurgent Congress, the retreat of the Nixon White House behind an everwidening cloak of secrecy and pretensions of "national security" permitted a Watergate. This wide spectrum of abuses in which the legitimate organs of government were subverted to personal, partisan and criminal ends spurred Congress to still more vigorous scrutiny of Presidential decision-making.

THE TUG OF WAR

Indeed, perhaps here is an appropriate point at which to take note of at least three major episodes of the last forty-five years that illustrate the continuing tug of war between the President and Congress over control of foreign policy.

The neutrality legislation of the 1930's shows Congress playing a dominating part, with its initiation of bills aimed at restricting the Executive in a variety of ways. Although some scholars have questioned the traditional conclusion that the neutrality measures prove the pitfalls of Congressional interference with foreign policy, most observers agree that these bills represented too great an incursion into Presidential discretion.

World War II and the subsequent Cold War era marked the most significant example of bipartisanship in foreign policy. Most of us, I feel sure, have great admiration for such achievements of this time as the Truman Doctrine, Marshall Plan, and NATO, but few would claim that these momentous decisions were taken after full, free, and vigorous debate on the part of the American people. In the name of bipartisanship, Acheson, Dulles, and Vandenberg in effect short-circuited major foreign policy discussion in Congress and the country.

A similar insistence on the self-evident virtues of bipartisanship produced a general consensus for nearly two decades on the proper way to fight the Cold War.

This bipartisanship was certainly not very productive at the polls for the Republicans, and observers continue to quarrel about whether Republican failure to voice sharp criticism of foreign policy was good for the country.

The 1960's present yet a third kind of presidential-congressional relationship in foreign policy—executive domination.

These were the years of Kennedy and Johnson, and one need only recall such crucial foreign policy decisions as the invasion of Cuba, the Dominican intervention and the escalation of the war in Viet Nam to realize that in all these cases, the White House, in deciding what to do, systematically ignored Congress.

I hazard the proposition that there are few among us who would today trumpet the wisdom of all these decisions which were, to repeat, taken by the Executive to the near total exclusion of Congress.

It is, indeed, such instances as these all too recent ones that cause many in Congress no longer to accept the shibboleth that some higher degree of rationality characterizes those who serve in the executive branch and that they alone can prudently judge the national interest.

What, then, you may ask, in the post-Vietnam, post-Watergate world, ought to be the role of Congress in American foreign policy?

THE RESPONSIBILITIES OF CONGRESS IN FOREIGN AFFAIRS

In my view the responsibilities of Congress in foreign affairs are fundamentally three.

First, Congress can establish, through law or in other ways, or give sanction to, certain principles that govern the nation's foreign affairs. I here cite military alliances, trade agreements, arms control treaties and development assistance policy as but four examples.

Second, Congress can oversee the implementation of these principles by the executive branch. Obviously, Congress cannot—nor should it—run foreign policy on a day-to-day basis. This is a truism. But, equally clearly, Congress has the right, indeed, the obligation, to monitor the executive branch in its direction of foreign affairs.

Third, under the Constitution, it is Congress that has power to appropriate money, essential to the carrying out of policy abroad as well as at home.

In recent years Congress has again begun to play these roles in foreign affairs and to assert itself vis-a-vis the executive branch.

I list here only four bits of evidence for the validity of this contention: the 1973 vote in Congress to end money for American military involvement in Vietnam; passage that same year of the War Powers Act, which imposed restrictions on the power of a President unilaterally to plunge the nation into war; rejection by Congress in 1974 of President Ford's request for still more military aid for Southeast Asia; and the refusal by Congress in 1976 of American aid to factions taking part in the Angolan civil war.

I could, of course, cite the Congressionally-imposed ban on American military assistance to Chile and Uruguay because of alleged human rights violations in those nations; or the Jackson amendment to the Trade Act of 1974 which barred, subject to Presidential waiver under certain circumstances, the granting of most-favored nation status and trade credits to communist countries which prevented free emigration of their citizens; or the Foreign Assistance Acts of 1973 and 1974, both of which included sections linking the receipt of foreign assistance to the protection of human rights.

Subsequent legislation provided that economic aid could not be given any country which consistently violated internationally-recognized human rights unless the President submitted to Congress a written report explaining how assistance would directly benefit the people in that country.

I could also mention, on an issue with which I have been intimately involved, the series of votes cutting off arms sales to Turkey following the utilization by Turkey of American weapons in August of 1974 for the invasion and occupation of Cyprus, in clear violation both of American law and of bilateral agreements between Turkey and the United States. A Democratic Congress and a Democratic President are, even as I speak, at loggerheads on Mr. Carter's proposed repeal of the Turkish arms embargo.

To cite another instance of the more vigorous Congressional foreign policy role, in recent years, Congress has reserved the right to disapprove, and thereby block, major arms sales to other nations, and has also reshaped our foreign aid program to lay greater stress on social and economic, not solely military, development in poorer countries.

In 1976 Congress initiated legislation designed to increase the food available for the hungry and malnourished people of the world. That legislation included aid to Third World countries to enhance their capability for agricultural production as well as targeting more U.S. food aid on individual human needs.

I have already mentioned the extensive Senate debate and the votes on the Panama Canal treaties as well as on President Carter's Middle East arms package.

But Congress has done more than simply write laws or vote on them.

OTHER WAYS CONGRESS AFFECTS FOREIGN AFFAIRS

There are other ways in which Congress can exercise its responsibility in foreign affairs. For example, by holding hearings, Congress has helped bring to public attention the extent of human rights violations in specific countries and has thereby affected executive branch policy. The Subcommittee on International Organizations of the House Committee on International Relations began its hearings in 1973, long before there was a Presidential gleam in Jimmy Carter's eye, at least a noticeable one. During the last Congress alone, this subcommittee conducted 40 hearings on human rights problems in 18 different countries.

It was Congress then, not the Executive, that first brought the matter of human rights into the public consciousness.

Members of the House and Senate are constantly meeting with foreign heads of state and other foreign officials both in Washington and in their own countries. In 1975, for example, I was part of a Congressional delegation to the Soviet Union, which met with Mr. Brezhnev and members of the Politburo to discuss trade, arms control, detente and emigration policy. On the same trip, we talked with Ceausescu in Romania and Tito in Yugoslavia.

More and more Members of Congress these days are visiting the People's Republic of China, an activity of considerable importance in changing Congressional and public perceptions of U.S. policy toward the PRC.

In Washington in recent months Members of the House and Senate have met Sadat, Begin, Ecevit, Karamanlis, Kyprianou, Desai and Kaunda, to cite only some of the world leaders with whom we have talked.

Such visits to Capitol Hill are clear indications of the growing recognition on the part of other nations of the increasingly significant and independent role of Congress in the formulation and execution of United States foreign policy.

In light of the tension inherent in a separation of powers system, it will come as no surprise to you that the resurgent role of Congress in foreign affairs has not gone uncriticized.

Some of the criticism has focused on the substance of actions taken by Congress on a particular issue—and I think such criticism perfectly proper.

On the other hand, critics of a specific congressional action in foreign affairs often translate their complaint into an attack on the right of Congress to be involved in foreign policy. This was fundamentally Henry Kissinger's view. He felt—quite mistakenly in my judgment—that it was not really appropriate for Congress to have any say in foreign affairs, thereby betraying, I believe, his basic lack of understanding of the uniquely American constitutional system.

Mr. Kissinger would obviously have been far more at home in a parliamentary arrangement, in which the legislative by definition supports the executive branch.

I have observed over the years that people's views on the proper role of the President and Congress in foreign affairs are usually closely linked to whichever of the two institutions is advancing or impeding a particular policy preference.

The editorial columns of American newspapers which praised Congress for its role in halting American military involvement in Southeast Asia went on to condemn Congress for interfering with the President's right to conduct foreign policy in voting to cut off aid to a particular country in response to human rights abuses. So critics of Congress like to have it both ways.

I, to reiterate, see nothing at all wrong with substantive criticisms of any action Congress might take. But I would also insist there should be no quarrel with the right of Congress to be engaged both in shaping and carrying out American foreign policy.

I have been discussing one of the two characteristics that distinguish the American political system from that of most other democratic nations, the separation of powers.

A DECENTRALIZED PARTY SYSTEM

The second factor is equally important—we do not have highly disciplined political parties.

The fact of a decentralized party system affects, to a significant degree, the relationships generally between Presidents and Congresses, including, obviously, the field of foreign policy.

Our two traditional major political parties in the United States have made possible durable coalitions of diverse but broadly compatible interests. Groups with substantially different goals have found enough common advantage to be mutually supportive under the broad umbrella of party.

Moreover, historically in the United States, parties have served as instruments for developing consensus across the spectrum of major issues. In a country so large in size and with such a variety of differences of region, religion, race, ethnic origin and economic interest, this is a crucial role.

We have, however, been witnessing a significant decline in loyalties to even these relatively undisciplined parties.

DECLINE IN PARTY ALLEGIANCE

This drop in party allegiance is at work in the population as a whole. The Gallup poll organization has since 1937 been asking Americans the question: "In politics, as of today, do you consider yourself a Republican, Democrat or Independent?" In 1937 only 16 percent considered themselves to be neither a Republican nor a Democrat. In its most recent survey, taken last December, 31 percent—almost twice the earlier figure—considered themselves to be independents.

Vietnam and Watergate have contributed to a demythification of the Presidency, which has weakened the Presidential image in its several dimensions, including that of party leader.

Even as the increased availability of television has expanded the impact of the Presidency, it has also enabled Members of Congress to bypass the weakened traditional local party organizations and go directly to the people for support.

Finally, the sheer complexity of the United

States contributes to the difficulty of holding Members of Congress of the same party together on issues both foreign and domestic. The United States is so large, populous and diverse that on many issues of foreign affairs, trade policy, for example, regional or economic group rather than partisan considerations predominate.

As the party recedes from its primacy in our political system, it is more and more being supplanted by special interest groups. And more and more of these tend to concentrate on a single issue to the exclusion of all others, assigning their support to a candidate or withholding it solely on the basis of his position on that particular issue.

THE POST-VIETNAM, POST-WATERGATE CONGRESS

Beyond the reassertion of a Congressional role in a separation of powers system and beyond the decline of already decentralized parties, there is yet a third factor that has altered the functioning of contemporary American politics. This ingredient also contributes to the difficulty of foreign policy making in the United States. I refer to the new composition and new style of the post-Vietnam, post-Watergate Congress. This development is, of course, closely linked to renewed Congressional assertiveness.

The Members of today's House and Senate are significantly different from those who served there when I first went to Congress nearly 20 years ago.

The newer Members—and I speak more knowledgeably of the House—are young, intelligent, well educated, very hard working, and they are skeptical.

In the House of Representatives, some 156—over a third of its total Members—have served but one term or less. And 242 Members, well over a majority, have been elected since 1970.

These new Members bring both new vigor and new difficulties.

With this House it is not possible for either Presidents or Speakers easily to have their way.

Neither the White House nor the House leadership can prevail by edict or command. To convince Members today, it is necessary to rely on reason and persuasion.

Moreover, there has been a profound change in the legendary committee structure of the House. The chairmanships of some thirty to forty subcommittees, where the bulk of the legislative work is done, have been offered to junior Members. Committee chairmen, once nearly all powerful, must now pay heed both to the Members of their committees and to their colleagues in the House for ascension to committee leadership is no longer assured by seniority.

To be effective today, a committee chairman must operate like a politician, not an autocrat.

These changes in the operation of the House—and I have touched on only a few—have made the House more open, more democratic, more accountable—and I strongly support them and, in fact, have been among those in Congress who helped make them possible.

The reforms have also, however, extracted a price in terms of the time and effort required to get things done, no trivial consideration in a period when the sheer volume of problems which must be addressed by government threatens to grow beyond manageability.

The decline of party and the more diffuse power structure of the House make all the more complicated the task not only of the President but of the Leadership of the House in putting together majorities for both domestic and foreign policy legislation.

As Majority Whip, I speak on this point with authority and not as the scribes. If I were Government Chief Whip in the House of Commons, I assume that my major responsibility would be to assure that on crucial votes the bodies were there. One would know, save in exceptional cases, how MPs would vote.

But in the American House, the majority party has a fairly elaborate organization of thirty-seven whips—all Democratic Members—to find out how our colleagues intend to vote and, should they prove indecisive, recalcitrant, hostile or, in some cases, negotiable, seek to persuade them to support the Leadership.

It is a different system from yours.

The President is not faced with easy sledding, especially when he and the majority of Congress are of different parties. But his job is difficult even when he and the Congressional majorities are of the same political stamp.

Three examples may make my point. One year ago the House, in which Democrats have a two-thirds majority, approved a foreign assistance appropriations bill by a margin of 208–174. Nearly forty percent of all the Democrats voted "no".

Last fall the House agreed by only three votes to support President Carter's decision to cancel production of the controversial B–1 bomber. On that roll call, 96 Democrats voted against the position of the President and of the Democratic leaders of the House.

You here are more familiar than I with the President's troubles in winning Senate ratification several days ago of the tax treaty with the United Kingdom.

It is a different system from yours.

And, to reiterate, it is different from the way ours used to be. In the old days, I once heard a high ranking State Department official of the Truman years say, in speaking of Administration consultation with Congress on foreign affairs. "We used to call 'Mr. Sam' "—Speaker Rayburn—"and Tom Connally"—the Texas Chairman of the Senate Foreign Relations Committee—" and that was it."

Well, for all the reasons I have assigned, that's not "it" anymore!

HOW THE PRESIDENT AND CONGRESS CAN WORK TOGETHER IN FOREIGN AFFAIRS

Let me conclude my analysis with some brief comments on how the President and Congress can, despite or in light of these factors, work together in foreign affairs.

There is, in my view, no structural change that will resolve the increasingly complex problem of the presidential-congressional relationship in foreign policy. There is no constellation of mechanisms which, once in place, will ensure the smooth functioning of the system.

The key to the effort, it seems to me, must be in what Professor Corwin called "a decent consultation and accommodation of views."

For this effort, I must give President Carter very high marks. Even before he took office in January 1977, the President-elect, Vice President-elect Mondale, Cyrus Vance, Zbigniew Brzezinski and Harold Brown conducted a seven hour discussion of foreign affairs with Members of the House and Senate Leadership, both parties, as well as senior Members, Democrats and Republicans, of the committees with major responsibility for foreign and security legislation.

Mr. Carter took us on a nation-by-nation, issue-by-issue tour, and the Senators and Congressmen there were not passive participants in the seminar. Many were experts in their own right on one foreign issue or another and their contributions, I feel certain, were invaluable to the newly elected President and his counsellors.

Every two weeks, President Carter also hosts breakfasts for the House and Senate leadership, usually the Democrats only but on occasion, particularly when foreign policy is the major item on the agenda, with the Republican leaders, too.

I here remind you that without Republican support in the Senate, the President would have lost the votes on the Panama treaties and the Middle East arms sales.

There are also special briefings. Last month the President, Secretaries Vance and Brown and Dr. Brzezinski met for three hours with seventy-five Members of the House and Senate on foreign policy. The Administration leaders set forth the broad outlines of U.S. foreign policy and then heard comments, criticisms and questions from the legislators.

I can, from personal experience, testify that the President, Vice President, Secretary Vance and other foreign affairs officials meet on an even less formal basis to discuss particular issues of concern either to them or to the legislators.

You are, of course, aware of the many appearances that Administration officials make on Capital Hill to testify at committee hearings on legislation affecting foreign policy.

And it is, in my view, vital that these meetings, formal and especially informal, continue if we are to have in the United States a foreign policy that is intelligent and effective and that is accepted by the American people, in whose interest, presumably, that policy is carried out.

NECESSARY THAT CONGRESS PLAY MAJOR ROLE IN FOREIGN POLICY

For beyond the unique requirements of the American constitution, it is imperative that Congress have a major role in shaping and implementing foreign policy.

Obviously I must reject the model of congressional dominance in foreign affairs. Constitutionally and politically, the key figure in formulating and carrying out foreign policy must be the President.

Yet, to repeat, I must also reject the argument of those who would exclude Congress from a significant foreign policy role.

What we require for several reasons, is collaboration between the two branches.

An American of much wisdom in these matters, Averill Harriman, once put it this way:

"No foreign policy will stick unless the American people are behind it, and unless Congress understands it, the American people aren't going to understand it."

Members of Congress, once brought into the process of foreign policy formulation, can help educate their constituencies on an issue. This is what happened, for example, on the Panama Treaties.

I have earlier pressed another proposition, namely, that members of the executive branch, elected and non-elected, are not always, to be as gentle about it as possible, correct in their assessments of the national interest. A vigorous and, at times, feisty Congress can check and curb the missteps of the Executive in the life-or-death area of foreign policy.

It is important to remember in this connection that the President is not the only representative of all the American people. Our Senate and House of Representatives collectively speak for the American people in a way that may be different from the President's but is no less legitimate.

Congress should be regarded as a resource in foreign policy, one from which the President can seek not merely consent but counsel. Beyond providing him judgment on conditions they observe abroad—our distinguished Senate Majority Leader, Senator Robert Byrd of West Virginia, is here on such a mission for the President even now—Senators and Congressmen can let the President know how our foreign policy is perceived by their—and his—constituents.

Presidential consultation with Capitol Hill pays yet another dividend: it helps enlist support for his program. Members whose advise has been asked, whose suggestion may even have been partly adopted, will be that much more inclined to support the finished product.

Morever, the executive branch must deal with Congress on a wide range of issues. Failure to pay any heed to Congress in foreign policy can only hinder the President's ability to win Congressional support he needs on some important domestic issue. There is a seamless web here. Bargaining, not unknown in the British parliamentary system, is indispensable to governing effectively in the American system.

SUMMARY

Let me summarize.

I have tried to analyze for you some of the major factors that explain the role of Congress in the process of making foreign policy.

I have reviewed the separation of powers, the nature of our party arrangements, the changing configuration of forces in our national government—and how these considerations shape what Congress does in foreign policy. I have not attempted to make converts of you to the American political system. Rather I have sought to broaden your understanding of it. For because we need each other, we need to know each other.

And as I conclude, let me say that I for one do not despair, as some do, of the American system of government or of the role of Congress in it.

Given our large, restless, complex society and our deliberately fragmented Constitutional structure, the American democracy will continue to flourish and the American Congress will continue to nourish it.●

A CALL FOR JAPAN TO CONTRIBUTE TO FREE WORLD DEFENSES

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. REGULA. Mr. Speaker, this week as we debate the defense appropriation, with its huge slice of the GNP, and as the dollar stands at a new low in relationship to the yen it is appropriate to discuss our relationship with our free world allies and their efforts in terms of the free world defenses. Today will be the first of two discussions on this issue.

I would like to discuss a matter which demands our attention. It is the insufficient defense contributions on the part of Japan as an ally of the United States. By the way of background we should examine the Constitution imposed on Japan which reads as follows:

Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces will never be maintained. The right of belligerence of the state will not be recognized.

The language clearly does not prohibit defense forces—only forces that would be designed to wage aggressive war, or the use of force as a means of settling international disputes.

Japan spends less than 1 percent of its GNP or $7.9 billion on defense, and the Government allocates no funding for military research and development. In comparison, the U.S. defense burden requires 6 percent of our GNP or an estimated $116 billion. Of this, 9 percent or $13.3 billion is spent on research and development.

When compared with the expenditures of our other allies, it is clear that Japan's contributions are grossly inadequate. In 1977 the United States spent $523 per citizen, France spent $256 per citizen, Britain spent $201 per citizen, and Germany's expenditures totaled $263 per citizen. It is unbelievable that Japan's expenditure per citizen for 1977 was a mere $49.

In other words Americans are spending 10 plus times as much on free world defense as Japan.

Some increase in Japan's defense spending has resulted from advancing military development of potential enemies and its fear that U.S. policy is shifting emphasis to Europe instead of Asia, but not in proportion to its world responsibility. We have not encouraged Japan to significantly augment its defense obligations. Without the application of some type of pressure it appears highly unlikely that this change will be made on Japan's own initiative.

The Japanese have arbitrarily imposed on themselves an understood defense spending limit of 1 percent of their GNP. The limit is buoyed by article 9 of Japan's Constitution. Its prohibition against war potential provides a good alibi for Japan's noncommittal defense attitude. Obviously, it is to Japan's advantage to support and finance nothing more than a beefed-up police force when the United States will provide its major defensive umbrella.

This minimal defense expenditure has allowed a larger share of Japan's GNP to be used for research and development, along with technological improvements and heavy capital investments in the tools of productivity. A Washington Post editorial on July 31 entitled "American Productivity" illustrates graphically the impact of this advantage. It points out that from 1967 to 1971 U.S. productivity grew 27 percent while Japan's was growing 107 percent. The significance of this disparity in growth cannot be underestimated. For example, Japan now maintains the world's third largest economy. In 1977 alone its total trade surplus with the rest of the world was $9.7 billion. Let us look at what has happened to the United States while underwriting Japan's defense costs. Before 1966 the United States maintained a favorable balance of trade. From 1970 to 1977 the accumulated U.S. trade deficit with Japan exceeded a total of $25.7 billion, an average of $3.7 billion per year. In 1977 the United States had a record $8.1 billion trade deficit with Japan, and in the first 6 months of 1978 alone the figure stands at $6.3 billion. I am convinced that the disparity in defense costs contributes substantially to this problem.

The impact of the balance-of-payments deficit is well illustrated by the headline and opening paragraph of a front page story from Monday's Washington Post. It reads as follows:

Japan Is Building Economic Empire In American West—San Francisco—From the highrise office towers of this western financial capital to the rich wilderness lands of Alaska, Japan is building a new economic empire in the American West.

Japanese interests, enriched by a huge trading surplus with the United States and the skyrocketing value of their yen currency, are quietly buying billions of dollars' worth of western land, timber, fish, agricultural products and industrial facilities.

The time has come for the Japanese people to take a greater responsibility for their own defense as a contribution to world peace. The nation of Japan knows something must be done but still hesitates. A recent illustration of Japan's indecision on defense occurred last week when the highest ranking uniformed officer was dismissed for his controversial remarks challenging Japan's weak defense stature.

We continue to substantially provide for Japan's national security as well as our own, and are paying in another subtle yet devastating way as well. The money not spent on national security is invested by the Japanese in producing competitive goods that sock us in the marketplace of world trade.

It is up to us to move toward solving this serious problem. We must persuade the Japanese Government to expand the interpretation of the Constitution and to accept a greater responsibility in the international free world security arena. If not, the political, military, and economic interests of the United States will continue to suffer.

PROPOSAL TO ALLOW TEACHERS AND OTHER EMPLOYEES COVERED BY SECTION 403(B) ANNUITIES TO MAKE TAX FREE "ROLLOVERS" TO OTHER RETIREMENT PROGRAMS

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, I am today, introducing a bill to amend the Internal Revenue Code to allow teachers and employees of tax-exempt organizations to make nontaxable transfers of retirement benefits accumulated under their section 403(b) annuities to another section 403(b) program when they change jobs, or to an individual retirement account (IRA) if their new employer does not have a section 403(b) program. Current law allows such tax-free "rollovers" for private industry employees covered by tax-qualified (section 401) plans and persons covered by individual retirement accounts. Employees covered by section 403(b) annuities should have the same investment flexibility and portability of retirement benefits allowed employees of these other tax-favored retirement plans.

A substantial portion of the retirement benefits of teachers and employees of charitable, et cetera, organizations are provided under section 403(b) annuity programs. Under these programs employees may defer tax on contributions made from their earnings subject to limits similar to those applicable to tax-qualified plans. Because public schools and tax-exempt organizations have no need for tax deductions for contributions made to tax-qualified plans, section 403(b) annuities have been utilized by teachers and others to provide or supplement their retirement income.

Under present law, when employees with section 403(b) annuities change

jobs, they frequently must leave their retirement benefits under the program maintained by their former employer unless they are willing to pay substantial taxes on a distribution of their benefits. Allowing tax-free "rollovers" of section 403(b) benefits would help employees by allowing them to take their retirement benefits with them to their new jobs. This would eliminate the confusion and administrative cost of having retirement funds in several employer plans.

The opportunity to have the portability of pension benefits made possible by "rollovers" will be particularly helpful to teachers who—faced with the prospect of changing school populations—find it very important to be mobile.

My bill would involve little, if any, revenue loss. Eventually, the benefits "rolled over" would be taxed when received.

Employees covered by section 403(b) annuities should have the same pension portability and investment flexibility available to employees in private industry plans and employees who have individual retirement accounts. "Rollover" of section 403(b) benefits to other section 403(b) programs or to individual retirement accounts is equitable and should be adopted. For these reasons, I urge my colleagues to join me in this effort to bring more equity to our pension tax structure.

DESPITE WAYS AND MEANS BILL, AMERICANS WILL FACE INCREASE IN 1979 FEDERAL TAXES UNLESS KEMP AMENDMENT TO LOWER INDIVIDUAL INCOME TAX RATES IS ENACTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

● Mr. KEMP. Mr. Speaker, I am sure a number of my colleagues think that by voting for the tax bill ordered reported by the Committee on Ways and Means, H.R. 13511, and by voting against the Kemp amendment to lower individual income tax rates by about 33 percent over the next 3 years, about 11 percent in calendar year 1979, they will be both able to tell their constituents that they voted for tax cuts and that their taxes will, therefore, be lower in 1979.

These Members are going to be in for a rude awakening when they confront those taxpayers after people get through paying their taxes in 1979.

The fact is that the Ways and Means Committee's tax reductions for individuals, even including the capital gains rate reduction for individuals, does not come even close to offsetting the higher taxes which our taxpayers will be paying in 1979. This is not speculation. It is fact. And the facts rest on analyses prepared by the Joint Committee on Taxation, the Congress expert authority on taxes and their effects.

Social security taxes will climb an additional $9.5 billion in fiscal year 1979 and an additional $12.7 billion in fiscal year 1980. The American people will pay $13.4 billion more in Federal individual income taxes in fiscal year 1979, as a result of inflation pushing them into tax brackets where the percentage they pay in taxes on additional dollars earned are increasing higher, and $22.4 billion more in fiscal year 1980 as a result of inflation. That is $22.9 billion more in fiscal year 1979 and $35.1 billion more in fiscal year 1980.

But, it does not stop there. If the energy bill becomes law this session, and there is increasing likelihood that it will, then the people will pay $2.9 billion in new energy taxes in fiscal year 1979 and $12.3 billion more in new energy taxes in fiscal year 1980. That, coupled with the increased social security taxes and inflation-increased taxes, means $25.8 billion more in taxes in fiscal year 1979 and $47.4 billion more in taxes in 1980.

How far does the Committee on Ways and Means' bill go to relieving those additional tax increases? Not very far at all, a point convincingly made by Art Pine in the Washington Post this morning in a page A–1 article, "Despite New Tax Cut Measure, Most Will Face Increase in '79." I quote from it:

> Almost every American taxpayer faces a higher total federal tax bill next year, even if the $16 billion tax cut approved by the House Ways and Means Committee last week were to be enacted, according to new congressional figures.
>
> Tables compiled by the Joint Committee on Taxation show that the tax reduction provided in the Ways and Means Committee would not offset the impact of inflation and higher Social Security Taxes for most taxpayers.
>
> After those two factors are taken into account, the tax burden for so-called "middle income" taxpayers—those in the $20,000 to $30,000 a year bracket—would rise by between $83 and $261 a year.
>
> And the total federal tax bite on taxpayers in the $10,000-a-year-and-under income brackets—just above next year's expected poverty line—would rise by between $29 and $40 a year.
>
> The only group of taxpayers who would enjoy overall tax relief as a result of the Ways and Means bill would be those in the $15,000 bracket. By a fluke, they would pay $2 to $3 less in taxes.
>
> The increases in overall federal tax burdens stem from two factors: the impact of inflation, which pushes taxpayers into higher brackets, and the increase Congress voted last December in 1979 payroll taxes.
>
> • • • • •
>
> The rate of inflation this year is expected to be at least 7 percent, with wage increases running even higher. The income boost is expected to result in some $8 billion in higher taxes.
>
> The scheduled increases in Social Security taxes will raise payroll taxes to 6.13 percent of the first $22,900 in earnings, effective Jan. 1. Without these, the rate would have been 6.05 percent of $18,900.

And this, my colleagues, is the case for the amendment I will offer when this bill is considered on the floor, unless an undemocratic leadership clique keeps the amendment from being offered.

Let me say, parenthetically, that in light of these statistics, support for such a denial to the Members of this House of their right as Members duly elected by their constituencies to vote on all tax matters relating to those constituents will not be easily understood by those constituents. As a matter of fact, I can foresee quite a negative reaction. I do not think constituents feel that only those members of the Committee on Ways and Means, the Committee on Rules, and the floor and caucus leadership of the majority party should determine what the options are for this Nation's tax policy and tax laws.

But let me return to my principal point: How far does the Committee on Ways and Means' bill go to offsetting these additional tax increases? In fiscal year 1979, only $7.25 billion. That means the taxpayers will be paying a net $15.65 billion more, as a result of higher social security and inflation-pushed taxes; a net $18.55 billion more if you add the projected new energy taxes.

The committee's figures I have for 1980 are in calendar year format; I have been unable to get them in fiscal year 1980 format. But, on the basis of what we do know about fiscal year 1979, what we know about calendar year 1979—about $12 billion, and calendar year 1980—about $14 billion, we can assume fiscal year 1980 will be in that $14 billion range. That would mean the people would be paying about $21 billion more in social security and inflation-pushed taxes in fiscal year 1980, about $33 billion more if new energy taxes are added.

What, then, is a better answer? The answer, if we are to help offset these outrageously higher tax increases upon the people? It is the Kemp amendment.

The Kemp amendment would offset more of these higher taxes than any other measure which will be offered during floor debate. The Kemp amendment would provide about $12 billion in tax reduction for the people in fiscal year 1979, $37 billion in fiscal year 1980, and $62 billion in fiscal year 1981. This is about $23 to $24 billion in calendar year 1979, $51 billion in calendar year 1980, and $72 billion in calendar year 1981. That is a significantly larger tax reduction than offered by any other amendment or substitute. It goes much, much further in offsetting the increases in social security taxes, inflation-pushed taxes and energy taxes than any other amendment or substitute.

Mr. Speaker, these are arguments using aggregate tax and revenue figures, what is worse marginal tax rates will go up even higher with inflation if we do not lower the cost of living by reducing everyone's tax rates.●

CAMBODIA: WHERE ARE THE PROTESTERS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GOLDWATER) is recognized for 5 minutes.

● Mr. GOLDWATER. Mr. Speaker, I would like to bring last week's Time Essay, "Cambodia: An Experiment in Genocide," to my colleagues' attention and urge them to read it and weep.

It has been observed that it could well take historians a generation to sort out the details and make any kind of realistic judgment of our involvement in Southeast Asia, and while this may be true, it does not take the perspective of history to understand the utter savagery of the genocide in Cambodia. I am appalled; I am saddened; I am sickened, but I am not shocked nor surprised at what has happened in the wake of what certain groups and individuals have grandly proclaimed as the "liberation" of the Cambodian people. But like so many other of those oh so familiar catch phrases and slogans of the left, the so-called liberation was a sham and an outright lie. I knew it at the time it was being proclaimed, as did anyone else who was familiar with the other Communist "liberators" of the 20th century. What does shock me, however, is the lack of any kind of mass outpouring of protest from the rest of the world.

When the allies entered Germany after World War II and discovered Auschwitz, and Dachau and Buchenwald, the world was stricken with the utter depravity of a government which systematically exterminated 6 million people, and mankind individually and collectively swore that this would never happen again. There was more than a committee hearing; there was more than a sense of the Congress resolution; there was more than a statement from the White House and a few articles in newspapers.

The outcry was sufficient to touch the conscience of even the most hardened and was part of the force which created the United Nations and the independent State of Israel.

Where is that outrage now? There are not cardboard images in Cambodia; there are people. They walk and talk; they love and hate and laugh and cry; and they are being exterminated—maybe not with the efficiency of a gas chamber, but they are just as dead. Where are the sloganeers of the peace movement now? Where are the denouncements of corrupt regimes and immoral wars? Where are the marches and the protests? Where is the world's conscience?

The article follows:

CAMBODIA: AN EXPERIMENT IN GENOCIDE

The enormity of the tragedy has been carefully reconstructed from the reports of many eyewitnesses. Some political theorists have defended it, as George Bernard Shaw and other Western intellectuals defended the brutal social engineering in the Soviet Union during the 1930s. Yet it remains perhaps the most dreadful infliction of suffering on a nation by its government in the past three decades. The nation is Cambodia.

On the morning of April 17, 1975, advance units of Cambodia's Communist insurgents, who had been actively fighting the defeated Western-backed government of Marshal Lon Nol for nearly five years, began entering the capital of Phnom Penh. The Khmer Rouge looted things, such as watches and cameras, but they did not go on a rampage. They seemed disciplined. And at first, there was general jubilation among the city's terrified, exhausted and bewildered inhabitants. After all, the civil war seemed finally over, the Americans had gone, and order, everyone seemed to assume, would soon be graciously restored.

Then came the shock. After a few hours, the black-uniformed troops began firing into the air. It was a signal for Phnom Penh's entire population, swollen by refugees to some 3 million, to abandon the city. Young and old, the well and the sick, businessmen and beggars, were all ordered at gunpoint onto the streets and highways leading into the countryside.

Among the first pitiful sights on the road, witnessed by several Westerners, were patients from Phnom Penh's grossly overcrowded hospitals, perhaps 20,000 people all told. Even the dying, the maimed and the pregnant were herded out stumbling onto the streets. Several pathetic cases were pushed along the road in their beds by relatives, the intravenous bottles still attached to the bedframes. In some hospitals, foreign doctors were ordered to abandon their patients in mid-operation. It took two days before the Bruegel-like multitude was fully under way, shuffling, limping and crawling to a designated appointment with revolution.

With almost no preparations for so enormous an exodus—how could there have been with a war on?—thousands died along the route, the wounded from loss of blood, the weak from exhaustion, and others by execution, usually because they had not been quick enough to obey a Khmer Rouge order. Phnom Penh was not alone: the entire urban population of Cambodia, some 4 million people, set out on a similar grotesque pilgrimage. It was one of the greatest transfers of human beings in modern history.

The survivors were settled in villages and agricultural communes all around Cambodia and were put to work for frantic 16- or 17-hour days, planting rice and building an enormous new irrigation system. Many died from dysentery or malaria, others from malnutrition, having been forced to survive on a condensed-milk can of rice every two days. Still others were taken away at night by Khmer Rouge guards to be shot or bludgeoned to death. The lowest estimate of the bloodbath to date—by execution, starvation and disease—is in the hundreds of thousands. The highest exceeds 1 million, and that in a country that once numbered no more than 7 million. Moreover, the killing continues, according to the latest refugees.

The Roman Catholic cathedral in Phnom Penh has been razed, and even the native Buddhism is reviled as a "reactionary" religion. There are no private telephones, no forms of public transportation, no postal service, no universities. A Scandinavian diplomat who last year visited Phnom Penh—today a ghost city of shuttered shops, abandoned offices and painted-over street signs—said on his return: "It was like an absurd film; it was a nightmare. It is difficult to believe it is true."

Yet, why is it so difficult to believe? Have not the worst atrocities of the 20th century all been committed in the name of some perverse pseudo science, usually during efforts to create a new heaven on earth, or even a "new man"? The Nazi notion of racial purity led inexorably to Auschwitz and the Final Solution. Stalin and Mao Tse-tung sent millions to their deaths in the name of a supposedly moral cause—in their case, the desired triumph of socialism. Now the Cambodians have taken bloodbath sociology to its logical conclusion. Karl Marx declared that money was at the heart of man's original sin, the acquisition of capital. The men behind Cambodia's *Angka Loeu* (Organization on High), who absorbed such verities while students in the West, have decided to abolish money.

How to do that? Well, one simplistic way was to abolish cities, because cities cannot survive without money. The new Cambodian rulers did just that. What matter that hundreds of thousands died as the cities were depopulated? It apparently meant little if anything, to Premier Pol Pot and his shadowy colleagues on the politburo of Democratic Kampuchea, as they now call Cambodia. When asked about the figure of 1 million deaths, President Khieu Samphan replied: "It's incredible how concerned you Westerners are about war criminals." Radio Phnom Penh even dared to boast of this atrocity in the name of collectivism: "More than 2,000 years of Cambodian history have virtually ended."

Somehow, the enormity of the Cambodian tragedy—even leaving aside the grim question of how many or how few actually died in *Angka Loeu*'s experiment in genocide—has failed to evoke an appropriate response of outrage in the West. To be sure, President Carter has declared Cambodia to be the worst violator of human rights in the world today. And, true, members of the U.S. Congress have ringingly denounced the Cambodian holocaust. The U.N., ever quick to adopt a resolution condemning Israel or South Africa, acted with its customary tortoise-like caution when dealing with a Third World horror: it wrote a letter to Phnom Penh asking for an explanation of charges against the regime.

Perhaps the greatest shock has been in France, a country where many of Cambodia's new rulers learned their Marx and where worship of revolution has for years been something of a national obsession among the intelligentsia. Said New Philosopher Bernard-Henri Levy, a former leftist who has turned against Marxism: "We thought of revolution in its purest form as an angel. The Cambodian revolution was as pure as an angel, but it was barbarous. The question we ask ourselves now is, can revolution be anything but barbarous?"

Lévy has clearly pointed out the abyss to which worship of revolution leads. Nonetheless, many Western European intellectuals are still reluctant to face the issue squarely. If the word "pure" when used by adherents of revolution, in effect means "barbarous," perhaps the best the world can hope for in its future political upheavals is a revolution that is as "corrupt" as possible. Such skewed values are, indeed, already rife in some quarters. During the 1960s, Mao's Cultural Revolution in China was admired by many leftist intellectuals in the West, because it was supposedly "pure"—particularly by contrast with the bureaucratic stodginess of the Soviet Union. Yet that revolution, as the Chinese are now beginning to admit, grimly impoverished the country's science, art, education and literature for a decade. Even the Chinese advocates of "purity" during that time, Chiang Ch'ing and her cronies in the Gang of Four, turned out to have been as corrupt as the people in power they sought to replace. With less justification, there are intellectuals in the West so committed to twin Molochs of our day—"liberation" and "revolution"—that they can actually defend what has happened in Cambodia.

Where the insane reversal of values lies is in the belief that notions like "purity" or "corruption" can have any meaning outside an absolute system of values: one that is resistant to the tinkering at will by governments or revolutionary groups. The Cambodian revolution, in its own degraded "purity" has demonstrated what happens when the Marxian denial of moral absolutes is taken with total seriousness by its adherents. Pol Pot and his friends decide what good is, what bad is, and how many corpses must pile up before this rapacious demon of "purity" is appeased.

In the West today, there is a pervasive consent to the notion of moral relativism, a reluctance to admit that absolute evil can and does exist. This makes it especially difficult for some to accept the fact that the Cambodian experience is something far worse than a revolutionary aberration. Rather, it is the deadly logical consequence

of an atheistic, man-centered system of values, enforced by fallible human beings with total power, who believe, with Marx, that morality is whatever the powerful define it to be and, with Mao, that power grows from gun barrels. By no coincidence the most humane Marxist societies in Europe today are those that, like Poland or Hungary, permit the dilution of their doctrine by what Solzhenitsyn has called "the great reserves of mercy and sacrifice" from a Christian tradition. Yet if there is any doubt about what the focus of the purest of revolutionary value is, consider the first three lines of the national anthem of Democratic Kampuchea:

The red, red blood splatters the cities and plains of the Cambodian fatherland,
The sublime blood of the workers and peasants,
The blood of revolutionary combatants of both sexes.

—David Aikman.●

TURKISH ARMS EMBARGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SARASIN) is recognized for 5 minutes.

● Mr. SARASIN. Mr. Speaker, on October 2, 1975, the House of Representatives voted to ease the embargo that was placed on Turkey for their violations of the Arms Export Control Act. At that time, I called on my colleagues to ease the absolute embargo in the hope that the Turkish Government would pursue a course of action toward a peace settlement on Cyprus. Nearly 3 years have passed since that time, however, and the Government of Turkey still has not negotiated a settlement, and they are just now, when the embargo issue is before us again, beginning to make proposals to the Cypriot Government. Unfortunately, Mr. Speaker, because of the Turkish Government's idleness during the past 3 years to make peace on Cyprus, and return the Cypriots to their original status, I must reject the idea by the Carter administration for a total abolishment of the current arms embargo. As this issue was voted on yesterday, and I was unable to be in attendance, I wanted to be sure my views on this matter were clear to my colleagues.

There are several reasons why I opposed the lifting of the Turkish arms embargo. First among those reasons is that in 1975 the arms embargo was imposed as a rule of law by the Congress, only after Turkey used U.S. weaponry for offensive purposes in its second invasion and occupation of Cyprus in August of 1974. This invasion took place at a time when the hostilities between these nations had ceased and they were actually negotiating peace proposals in Geneva. In that action, 40,000 Turkish troops occupied 40 percent of Cyprus as an offensive operation. Since the Arms Export Control Act limits military aid to "internal security" and "legitimate self-defense" purposes, the Congress had no choice but to impose the embargo. Thus, it was placed to enforce an existing law, not to establish new law. Today, however, Turkey still occupies 40 percent of Cyprus, and nearly 30,000 Turkish troops are still stationed on that island, armed with American equipment, and in all of those years, Turkey has taken no action to amend the situation, even after our act of goodwill in October of 1975, at which time I stated on the floor of the House:

My hope is that changing our present policy on the arms embargo will constructively affect the present stalemate on the negotiations. If not, and if other adverse reactions result, I would be the first one to call for a reimposition of the embargo.

Bearing those words in mind, I feel as though Turkey has not actively moved toward resolving the situation on Cyprus, and thus I feel that the embargo should be continued until such movement occurs.

There are other reasons, however, and one of those is the need of the embargo to keep the United States in a position whereby we can take substantive actions to promote a just settlement on Cyprus. Those actions have yet to take place, and we have shown Turkey that the current prohibition on arms is not a serious matter. The administration has undermined the effectiveness of this embargo, by refusing to enforce it. If we refuse to lift the embargo, however, we will reverse that trend and express to the Government of Turkey the sincerity of our feelings with regard to their total disregard of our Government's prerequisites for lifting the current arms embargo. Hopefully this realization will motivate them toward the aforementioned settlement.

Many of the proponents of lifting the Turkish arms embargo have claimed that its continuation would leave our Nation vulnerable in the Southeastern flank of NATO. Turkey's continued support of NATO's efforts is vital for our national security, but it must be remembered, however, that Greece's participation in NATO is equally important, and to lift the embargo now would seriously damage our relations with Greece, which currently are not at their best.

Since 1974, Greece has been partially withdrawn from NATO because of our Government's actions in the 1974 Turkish invasion. The Greek Government has made it clear, however, that while it has a strong desire to return to full membership status in NATO, it cannot do so unless there is a proper settlement on Cyprus, and they believe that the only effective way to encourage the Turkish Government to negotiate that type of settlement is to maintain the embargo as a bargaining chip.

While the administration has declared that Turkey will pull out of NATO should the embargo be maintained, it is clear, through public interviews with Mr. Ecevit, the Turkish Premier, that Turkey has absolutely no intention of withdrawing its membership from NATO. Since it is clearly in the best interest of U.S. national security to have both Turkey and Greece as full members of NATO, it is thus Greece's membership that we should concentrate on, because of its current weakened status. To lift the arms embargo at this time would certainly be an additional strain on our relations with the Greek nation.

In addition to these thoughts on national security and the desire to attain a just peace settlement on Cyprus, we must also consider in our decision on this issue the human rights record of the Turkish Government, and in particular its treatment of the people on Cyprus since the 1974 invasion. Clearly, the record will show that Turkey has not lived up to the expectations of the European Commission on Human Rights, which last year found Turkey guilty of systematic killings of civilians, torture, rape, looting, and refusal to allow refugees to return to their homes. These refugees are freedom-loving people, and until 1974, when the Turkish forces attacked Cyprus, enjoyed all of the freedoms that you and I enjoy today, Mr. Speaker. Amnesty International, the watchdog of human rights violations, has documented actions by the Turkish Government that are similar to those I mentioned above. Thus, if our Government were to completely lift the arms embargo that is currently imposed on Turkey, we would be approving of their human rights violations, and lose any stronghold that we may now have to convince them to stop the atrocities that are currently taking place.

Another important factor that must be considered in this issue is that the embargo, as it stands today, is only a partial embargo, and certainly has not stopped all traffic of military equipment from the United States to Turkey. What the embargo has done, however, is show Turkey that they must make positive steps toward resolving the Cyprus issue, and implement a peace settlement. In addition, the embargo assures the Greek and Cypriot Governments that the United States does not disregard their plight, and will continue to stand up for their rights as free people. President Carter had once expressed his concern for these people, and we must show that concern by keeping the Turkish arms embargo in place as it is today, and enforce it fully, in the hope that we may someday be able to lift it for the correct reasons. Thus, Mr. Speaker, had I been present for the voting on this issue, I would have voted to maintain the embargo.●

GREEN ATTACKS VOTE TO LIFT TURKISH ARMS EMBARGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GREEN) is recognized for 10 minutes.

Mr. GREEN. Mr. Speaker, on August 1, by a vote of 208 to 205, the House adopted the Wright amendment to lift the embargo on arms shipments to Turkey. This amendment provides that the embargo will be ended upon the President's certification to Congress that it is in the national interest of the United States and NATO to do so; and that Turkey is acting in good faith to achieve a just settlement of the Cyprus problem, the early peaceable return of refugees to their homes, continued removal of Turkish troops from Cyprus, and the early resumption of intercommunal talks.

I strongly opposed the Wright amend-

ment to end the embargo on Turkey and was among the 205 Members who voted against it. I based my opposition to lifting the Turkish arms embargo on three essential points.

First, to repeal the embargo on arms to Turkey in this manner is to undermine the rule of law in the execution of our foreign policy. The embargo on U.S. arms sales to Turkey was imposed by Congress after Turkey used American weapons for offensive purposes in its invasion and occupation of 40 percent of Cyprus in 1974. That violation continues to this day. Provisions of the Foreign Assistance Act and the Foreign Military Sales Act required that further military aid to Turkey be terminated. Therefore, the embargo was voted to insure that these laws were enforced.

I believe it is important to keep in mind that section 620(x) of the Foreign Assistance Act already enables the President to end the embargo. He can do so by certifying to Congress that Turkey is in compliance with the Foreign Assistance Act, the Foreign Military Sales Act, and Turkish bilateral agreements with the United States, and that substantial progress has been made toward an agreement regarding the presence of military forces on Cyprus. In the absence of such certification, the provisions of law continuing the embargo must be enforced.

The Wright amendment dilutes the present requirements of section 620(x). It permits the embargo to be ended by a Presidential certification that this is in the interest of the United States and NATO and that Turkey "is acting in good faith" with respect to progress on Cyprus. It places no responsibilty on Turkey actually to have made progress and to have withdrawn its troops from Cyprus.

Second, permitting such an easy end to the embargo will not guarantee any movement on the Cyprus question by Turkey. The administration thinks that ending the embargo will lift the stalemate. But the administration has admitted that it has no commitment from Turkey in this regard.

The effective use of the arms embargo is the approach most likely to encourage a Cyprus settlement. Once we lift the embargo without achieving concessions from Turkey on the Cyprus question—and that, in effect, is what the Wright amendment authorizes—we remove the only effective leverage the United States has to bring the parties involved to an agreement. In this regard, I call my colleagues' attention to a New York Times editorial of July 22.

Administration spokesmen maintain that once it is lifted, Ankara will make generous diplomatic proposals. But the Government of Prime Minister Bulent Ecevit has so far given no sign that it is prepared to risk the domestic consequences of offering the concessions needed to reach an accommodation. The vague proposal put forward by the Turkish Cypriots on Thursday for resettling some Greek refugees is welcome but scarcely sufficient. The Turkish concessions need to be territorial.

I cannot share the administration's faith that Turkey will be forthcoming with substantive proposals once the embargo is terminated. I am not aware of any action by Turkey that would affirm such confidence.

During the past 3 years Turkey has failed on its part to make progress on the issue of Cyprus. To lift the embargo now will be to reward Turkey for this lack of performance. Indeed, Turkey already has been rewarded through loopholes in the embargo which have permitted Turkey to receive over $600 million in military aid since the embargo was imposed. Those who claim the embargo has failed ought to be aware that the embargo has not been given an effective chance to work due to its limited application.

Third, lifting the Turkish arms embargo in the absence of actual progress on Cyprus will impede U.S. effectiveness in helping the parties to achieve a settlement. While it will provide no guaranteed commitments from Turkey, it also will risk encouraging anti-American feelings in Greece and spark other friction in that nation.

On July 12, I attended a morning White House meeting along with selected House Members at which President Carter, Secretary of Defense Brown, Eastern Mediterranean Special Adviser Clark Clifford, and other officials made the case for Congress to end the embargo. I was deeply disturbed that the administration showed great solicitude over the problems facing the Ecevit Government in Turkey, while it totally ignored the dangers to the Caramanlis Government in Greece if we voted to end the embargo. In view of the tremendous stake of the United States in the future of Greek democracy, the one-sidedness of the administration's position continues to alarm me.

On this point, I think my colleagues should be aware of the Greek Embassy's reaction to the Senate vote to lift the Turkish arms embargo:

The embargo is an internal concern of the United States. However, its repeal can have adverse consequences on the course of the Cyprus problem and on the other problems which affect the security and peace of our area. The Administration and the Congress of the United States should not overlook these consequences.

This diplomatic reaction should be pondered for the message that emerges "between the lines." Clearly, the United States cannot afford to appease Turkey at the cost of deteriorated relations with Greece. Lifting the embargo will foster increased tensions between Greece and Turkey, and this will have serious repercussions on the United States, NATO, and the stability of the Mediterranean.

While there are other points that can be made, these were the major reasons for my opposition to the Wright amendment to end the Turkish arms embargo. Lifting the embargo will serve to undermine the rule of law in the execution of our foreign policy. In addition, the Wright amendment does not guarantee any meaningful movement on the Cyprus question by Turkey and impedes U.S. effectiveness in helping the parties involved to achieve a settlement.

I met recently with His Eminence, Archbishop Iakovos of the Greek Orthodox Archdiocese of North and South America. The archbishop conveyed to me personally his great concern for peace and justice for the suffering people of Cyprus. He pointed out that the United States can play an important role in helping Cyprus through its policies toward Greece and Turkey.

I believe that by adopting the Wright amendment, the House has abandoned the only instrument the United States has had at its disposal to exert pressure to bring about an agreement on Cyprus. Notwithstanding the unfortunate action taken by the House, it is my hope that the United States will use its influence on Turkey to bring results—not just pledges of "good faith"—in the quest for peace and justice for Cyprus.

WHAT DOES THE PRESIDENT HAVE TO HIDE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. RUDD), is recognized for 10 minutes.

Mr. RUDD. Mr. Speaker, on June 14, I requested the Comptroller General of the United States to review the President's selection and appointment of members of the U.S. Metric Board, since the law is very specific on the source of individuals representing a proper cross-section of business, labor, and professional organizations on the 17-member board.

But to date, the White House has refused General Accounting Office access to the relevant files, which the GAO informs me are located in the White House Personnel Office. I would like to know what the President has to hide?

Why is the White House raising bureaucratic and legal obstacles to block GAO access to the U.S. Metric Board files, so that my request for a review of the selection process can be accommodated?

It is necessary for the GAO to review these files in detail, since the law specifically requires a certain number of members of the board to be selected from lists submitted by certain organizations, such as the U.S. Chamber of Commerce, the National Association of Manufacturers, AFL–CIO, the National Conference on Weights and Measures, and other organizations.

Furthermore, the law clearly gives the GAO statutory authority for such a review. Title 31, section 1154 of the United States Code requires the GAO to review and evaluate Federal Government activities and programs on a continuing basis, on its own initiative, or at the specfic request of Congress, and to report the results of such reviews to the Congress.

To insure that Federal agencies or offices will not try to block such reviews, or to hide information from GAO investigators, title 31, section 54 of the United States Code requires "all departments and establishments" within the Federal Government to grant GAO access to their files, records, books, documents, and so forth for the purpose of securing needed information.

Nothing could be clearer. The White House has no right to prevent a GAO review of their files. But the White House is playing obstructionist games, attempting to delay or prevent a GAO review of its files to comply with my request, and opening up all sorts of suspicions about the motive or reason for such action.

Is there some possibility that the specific provisions of the law were not followed in the President's selection of the 17 members of the U.S. Metric Board?

Is the administration trying to establish some kind of exemption from GAO audits and inquiries for files stored in the White House, in order to provide some sort of confidentiality or special right of secrecy that is not otherwise available? If so, I can predict a flow of Federal records to the White House from all Federal agencies, to exempt them from GAO or congressional scrutiny.

The President has stated on numerous occasions that his is an "open administration." But the White House's action in this situation demonstrates that that is not the case.

Whatever the reason for trying to block a GAO review of Metric Board files in the White House—whether it be bureaucratic arrogance, or an attempt to hide something—I believe that the President's staff should start cooperating with the GAO, which is the investigative arm of the Congress, in order to fulfill the President's pledge of openness and cooperation.

THE 1978 CAPTIVE NATIONS WEEK AND THE BARBARIC SOVIET RUSSIAN TRIALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

● Mr. FLOOD. Mr. Speaker, it seems that there is something mystical about our annual observance of Captive Nations Week. Recorded evidence shows that since 1959, when the week was inaugurated, some world-captivating event or events surrounded the observance. For example, in 1975 a whole array of events took place at the time of the week's observance, including the orbital détente, Solzhenitsyn's appearance on Capitol Hill, Kissinger's defense of his "détente," and the surprising announcement of the Helsinki Conference—all in the week of Captive Nation's Week. This year it was the barbaric trials and heavy sentences of Petkus, Shcharansky, and Ginzburg. The evidence is uncanny.

In a continuing report on the 1978 week, which gives full expression to Public Law 86–90, I bring to the attention of my colleagues the following: First, proclamations by Gov. Hugh L. Carey of New York and Mayor Gerald W. Graves of Lansing, Mich.; second, a report on Free China's observance in the China Post, July 19; third, the program of CN in Boston; fourth, the New York City program; fifth, the article in the News World of July 17; and sixth, the opening remarks of Chairman Horst Uhlich at the New York Captive Nations rally:

STATE OF NEW YORK

PROCLAMATION

This year marks the 20th Anniversary of Captive Nations Week. This commemoration is dedicated to sustaining the spirits and hopes of enslaved peoples for freedom and self-determination in their beloved native lands.

The freedom-loving peoples in captive lands look to the United States as the citadel for freedom and to the American people for guidance and inspiration.

Under President Jimmy Carter, the United States has experienced a renaissance in the quest for human rights for many world citizens who are denied human and religious freedom.

The Captive Nations Committee of New York will hold appropriate activities throughout the week to commemorate this anniversary, and to address the issue of human rights on behalf of the oppressed peoples in captive nations.

Now, therefore, I Hugh L. Carey, Governor of the State of New York, do hereby proclaim July 16–22, 1978, as "Captive Nations Week" in New York State.

[City of Lansing, Mich.]

PROCLAMATION

Whereas: The imperialistic politics of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, Byelorussia, Romania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, Cambodia, South Vietnam, Laos and others; and

Whereas: The desire for liberty and independence by the overwhelming majority of peoples in these conquered Nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas: The freedom loving peoples of the captive Nations look to the United States as the citadel of human freedom and human rights and to the people of the United States as the leaders in bringing about their freedom and independence; and

Whereas: The Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week, inviting the people of the United States to observe such week with appropriate prayer, ceremonies and activities, expressing their sympathy with and support for the just aspirations of the captive Nations;

Now, therefore I, Gerald W. Graves, mayor of the city of Lansing, by the power vested in me, do hereby proclaim the week of July 16–22, 1978, as "Captive Nations Week in Lansing" and I call upon all citizens to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

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300 ATTEND CAPTIVE NATIONS WEEK RECEPTION

[From the China Post, July 19, 1978]

Over 300 government officials, foreign envoys and foreign guests attended the reception party in honor of the distinguished guests to the 1978 Captive Nations Week, hosted by Dr. Ku Cheng-kang honorary chairman of the World Anti-Communist League and his wife, at the Grand Hotel in Taipei yesterday.

Those attending included Premier Y. S. Sun, secretary general of the Kuomintang, Chang Pao-shu, president of the Legislative Yuan, Nieh Wenya, president of the Judicial Yuan, Tai Yen-hui, Korean Ambassador Kim Kae-won and many other high-ranking government officials and foreign envoys.

The distinguished guests to the 1978 Captive Nations Week included U.S. Senators John M. Ashbrook and Delwin M. Clawson chairman of the France National Center of Independents and Farmers Bertrand Mottee; Ivory Coast vice-president of the Supreme Court and president of the Administrative Chamber Georges Creppy; Japanese Diet Lower House member Taikan Hayashi; and publisher of Replica Daily News of Saudi Arabia, Sheik Mohammed Salahuddin.

The 1978 Captive Nations Week started last Sunday and will end on July 22.

Today, a lecture to mark the campaign will be held at the Taipei City Hall at 3 p.m. with U.S. Representative John Milan Ashbrook and Taikan Hayashi, a Japanese Diet member in the lower house as the keynote speakers.

Over 200 freedom seekers will also hold a meeting in the morning at 9 a.m. at the Free China Relief Association to urge the free world to support those people the captive nations.

Distinguished foreign guest invited to the campaign will attend the meeting.

Yesterday, U.S. Representative Ashbrook urged in a meeting at the China Mainland Affairs Center that more freedom loving people should join in the Captive Nations Week campaign.

He said he will stand on the side of the Republic of China to fight together for the freedom of mankind.

TO OBSERVE CAPTIVE NATIONS WEEK IN BOSTON

JULY 19, 1978, SPECIAL OBSERVANCE AT THE MASSACHUSETTS STATE HOUSE.—The captive nations under Russian Communist domination in Central and Eastern Europe will be saluted at a special program on Wednesday, July 19, starting at 11:30 AM, in Doric Hall at the Massachusetts State House, Beacon Hill, Boston, in observance of this year's Captive Nations Week, between July 16–22. The program will include: prayers, presentation of national flags, reading of Governor's proclamation and cultural entertainment. Dr. Algindas Budreckis, a Lithuanian community leader, will speak about captive nations; Orest Szczudluk, a vice president of the Ukrainian Congress Committee of America, Boston Chapter, will open the observance. The cultural program will be provided by Ukrainian and Lithuanian entertainers.

This year marks the 20th anniversary of the Captive Nations Week, which was established by Congress on July 17, 1959, and is known as Public Law 86–90. The Captive Nations Week Resolution designated the third week in July as "Captive Nations Week" and authorized the President to issue proclamations each year until such time as freedom

and independence shall have been achieved for all the captive nations in the world.

The public is cordially invited to attend the observance at the State House on Wednesday, July 19, and express the support for the right of all captive nations to enjoy freedom and national independence.

July 16, 1978, Prayers in Churches of the Boston Archdiocese.—On Sunday, July 16, priests of the Boston Catholic Archdiocese will include prayers for the freedom of all captive nations. Prayers have been requested by His Eminence Humberto Cardinal Medeiros, Archbishop of Boston.

Governor's Proclamation.—On June 21, 1978, Governor Michael S. Dukakis issued a proclamation, designating the week of July 16–22, 1978, as "CAPTIVE NATIONS WEEK" in Massachusetts. The proclamation states that "the captive nations of Central and Eastern Europe—Armenia, Byelorussia, Estonia, Georgia, Latvia, Lithuania, Ukraine, and others—constitute the Achilles' heel in the Russian communist empire." It also notes that "hundreds of Ukrainian, Lithuanian, Latvian, Armenian, Georgian and other dissidents and human rights activists are held in Communist Russian jails and concentration camps for demanding the implementation of the U.N. Universal Declaration of Human Rights and the Helsinki Accords for their respective peoples."

Captive Nations Week Committee.—This year's observance of the "Captive Nations Week" is sponsored by the 1978 Captive Nations Week Committee and active participation of the American National Latvian League in Boston, Inc., Lithuanian American Council of Boston and Ukrainian Congress Committee of America, Boston Chapter.

BOSTON, MASS., July 8, 1978.

[From the Captive Nations Committee of New York]

CAPTIVE NATIONS

JOIN US IN THE STRUGGLE FOR FREEDOM

The Bolshevik revolution in Russia in 1917, when the communists succeeded in seizing power in Moscow, was a warning signal of the growing danger to the free world. The Western powers, instead of taking preventive steps to what happened in Russia, saved the communist government several times when this Godless regime was about to collapse under the pressure of desperate needs of wheat and other supplies, which gave the communists the chance to put down the resistance of Armenians, Azerbaijans, Byelorussians, Cossacks, Georgians, North Caucasians, Mongolians, Turkestanians, Tartars, Ukrainians, and other nations inside the borders of the Soviet Union and stabilize their dictatorship over all the territory occupied by Russia.

With the start of the second World War, being allied with the western powers, the communists found the door open for the Red murdering army to occupy and enslave the countries of Bulgaria, Rumania, Albania, Croatia, Czechia, East Germany, Hungary, Serbia Slovakia, Slovenia, Estonia, Latvia, Lithuania, and Poland.

But this was not the end. Using their alliance and friendly relations with the western powers, the communists continued their aggressive policy and one by one succeeded in putting under their control North Korea, mainland China, Tibet, North Vietnam, Cuba, South Vietnam, Cambodia and Laos, bringing the number of Captive Nations up to thirty-two. Seizing the power in the captive countries by force against the free will of the people, the communists broke the resistance in those countries by bloody terror 73 million people from all the captive nations were murdered or sent to concentration camps or jails, from which they never returned. The western world just witnessed these crimes, and despite the magnitude of these crimes, the Western powers still today continue to help the Soviet Union in many ways, repeatedly giving the communists help: wheat, technical supplies, buildings, autos, factories, etc.

Today over half the earth's population is under communists control. This list of Captive Nations brought under the Red Terror grows longer and longer, as the number of countries won by the Communist Party after World War II has been added to by hundreds of millions of people in Asia—2,500,000 having been killed in Cambodia, only since the United States pulled out of Vietnam; and now the Party has transferred its operations from Southeastern Asia to an all-out effort in Africa.

The Communists are not interested in Civil Rights for Africans of any color. Their real desires are much more self-centeredly pragmatic: minerals and strategic bases such as the Horn of Africa and Cape of Good Hope.

The belief that it is possible to reach an agreement and establish a lasting peace with the communists is an illusion. The communists have not altered their aim to control the entire world. This policy, existing since the days of Lenin and Stalin, has not changed, and will never change. Communism today is not only the problem of the Captive Nations: it is a world problem, and an acute danger to the peoples of the world still living in freedom.

We, the people of the Captive Nations, call for concerted action to stop communist aggression: action to help the Captive Nations regain their independence and, finally, action to eliminate the communist danger. We ask all freedom-loving people to join us in this struggle. We must put our democracy to work to help those less fortunate than we—those who are enslaved by barbaric, totalitarian systems in the Communist-dominated countries of the world.

TWENTIETH ANNUAL CAPTIVE NATIONS WEEK

JOIN US IN THE STRUGGLE FOR FREEDOM

Program—Sunday, July 16th, Manhattan

9:00 a.m., Assemble at 59th Street & 5th Ave.

9:15, Fifth Avenue Parade—59th St. to 50th Street.

10:00, Memorial Mass at St. Patricks Cathedral.

11:00, Fifth Avenue Parade—50th St. to Central Park Mall (Band Shell near 72nd Street).

12 Noon Ceremonies, honored speakers and folklore entertainment at Central Park Mall.

[From the New York World, July 17, 1978]

MARCHING IN THE BROTHERHOOD OF THE OPPRESSED

(By Hal McKenzie)

In the middle of the Captive Nations parade down Fifth Avenue, behind the Chinese lion dancers, marched a solitary middle-aged woman proudly bearing the green flag of Rhodesia and a sandwich board proclaiming "Free Rhodesia" and "End U.N. Sanctions."

Rhodesia is not in the official litany of nations held captive by communism, at least not yet. But Mrs. Patricia Jeffrys believes that Rhodesia qualifies as a captive—of the United Nations.

"Rhodesia is a captive to U.N. sanctions," she explained in a mild British accent. The U.N. is dominated by the eastern bloc, you know.

"Robert Mugabe is an out-and-out communist and Nkomo is simply an opportunist," she added. "He is being paid off handsomely by the Russians, you can be sure."

A British citizen married to an American, Mrs. Jeffrys is the vice president of the American-Rhodesian Association, which has grown to a "not-so-small" organization, she said. "We've been working quietly—we're not your rent-a-mob type of thing."

She said that sentiment for the multiracial Rhodesian interim government was growing especially fast in Britain, where "thousands of citizens are against [British Foreign Secretary] Robert Owen's policy all the way."

She said she was told by the State Department spokesman Hodding Carter that the United States would never support Rhodesia until "things were sorted out with the other African nations. "That proves it—they're selling-out Rhodesia for Nigerian oil," she said angrily.

Striding at the head of the parade in traditional Cossack garb, Col. Nikolas G. Nazarenko cut a striking figure with his white fur cap, calf-length coat with long silver-sheathed dagger and ornamental silver cartridge cases on his chest.

"Cossackia is a nation of 10 million people," Nazarenko said. "In 1923 the Russians officially abolished Cossackia as a nation. Officially, it no longer exists."

"Now there are 2 million of us scattered all over the world," added Abdul Kwaja, who was there with his wife, also in traditional garb. Kwaja, 25, had escaped to Afghanistan in 1952.

"The people have no rights," he said of his native land. "The Russians are trying to change everything—our language, our religion. We are not free even to speak our language."

Nevertheless, Nazarenko, president of the World Federation of Cossack National Liberation Movements, has spent the greater part of an adventurous life fighting for his Cossack homeland.

"America should not spend billions supporting the Soviets with trade," he said. "We don't have to be afraid of the Russian army because half of it is made up of captive nations. They can never trust the rank and file."

A small but distinctive group of dark-skinned people dressed in colorful striped robes and square caps marched with a banner which read, "Kazakhs + Uzbeks + Tadzhiks + Turkmens + Uighurs = Turkestan."

"Turkestan is a nation of 60 million Moslems," said Fazil Cencar, 48, vice president of the Turkestan-American Association. "We speak the Turkish language and belong to the Moslem religion."

CHAIRMAN HORST UHLICH OF THE CAPTIVE NATIONS COMMITTEE OF NEW YORK

Distinguished guests, members and friends: In the name of the Captive Nations Committee, N.Y., it is a pleasure to welcome all of you . . . on the occasion of this 20th Annual Captive Nations Parade and Commemoration.

We are honored by your presence here. We know that you have made a special sacrifice, during vacation time, to join us here today. And we are well aware that those who still remain inside captive territory are making the greatest sacrifice of all . . . because the loss of man's freedom is the greatest sacrifice of all.

We are all, indeed, honored to have with us our distinguished guests who bring us strength . . . and who raise our spirits with their presence. We would also like to take this opportunity to thank our committee members whose efforts and encouragement have been the support of our organization. And all of you who have helped in your own special ways: Many, many thanks! And our special thanks to our honorary chairman, Dr. Ivan Docheff, for his good advice and guidance. . . .

We are here, today, to honor those who have died at the hands of the Communist party . . . and those who are living their

lives in Communist concentration camps, or who are detained, for reasons of mental health.

We are the fortunate ones, to be living in this great country, the United States of America . . . to have the freedom to meet here today. And it is only a few days after the celebration of our Independence Day on July 4th, a reminder that freedom, like friendship, continues only when we work at it . . . Dream about it . . . Wish for it with all our hearts . . . because freedom is very difficult to win and to keep, but very easy to lose. We have, in our own experiences, learned many hard lessons.

We have suffered . . . and many of us still have relatives, families and friends who are weeping, starving, and suffering at this very moment. And they only ask for a word of encouragement from us . . . to assure them that they are not forgotten . . . to let them know that we are gathering together, as we are doing today, to send them a message of hope.

But above all . . . we must send our stern message to the Communist slaveholders ruling the captive countries, that we will never, never stop demanding freedom for all nations . . . and that we will never give up, until all peoples who are living under Communist slavery are liberated.

One visible activity is the pressure that the United States has been putting on the Communists, demanding human rights. This country is, in principle, attempting to remind the Communists that the human rights issue . . . one of the vital agreements which they signed during the Helsinki Conference in 1975 . . . has been disregarded by them. The news coming out of Moscow, even today, shows only too clearly what the Bolsheviks understand by human rights. President Carter we understand is just visiting Berlin. When he looks at the Berlin Wall, it is like seeing the face of death . . . He should have the truest possible understanding of what Bolshevism means by human rights.

In 1945, when I was only a boy of 9 years, I was one of 17,000,000 East Germans who were expelled from our homeland of East and West Prussia, Pomerania, Silesia, and Sudetenland . . . and many people are not aware of the fact that 2,280,000 East Germans, mostly women and children, were massacred after World War Two. And we know that the Crimean Tatars had almost half of their entire population killed off. And all the other captive nations of every culture have suffered similar disasters. Therefore, it is the duty of those of us who have survived to tell the truth about communism. So that those who have not lived through the horrors of communism, as we have, will understand more clearly what is to be expected from communism . . . the madness of communism . . . the murderous ambition of the Communist party to conquer the entire world.

These may be the final hours in history for us to alert all people who yet remain free . . . to wake up to the danger of the Communist Party International, which has conquered three quarters of the world, and having succeeded in Vietnam, immediately transferred their military operations to Africa.

And finally, on this occasion, today, we cannot afford to sleep peacefully until the cause of the captive nations has been made popular before the eyes of the American people and the entire free world . . . equally popular with the cause of the two Russian dissidents.

Albania, Armenia, Azerbaijan, Bulgaria, Byelorussia, Cambodia, China, Crimean Tatars Cossackia, Croatia, Cuba, Czechia, East Germany, Estonia, Georgia, Hungary, Idel-Ural, Karatchays, Laos, Latvia, Lithuania, Mongolia, North Caucasus, North Korea, North Vietnam, Poland, Romania, Serbia, Slovakia, Slovenia, South Vietnam, Tibet, Turkestan, Ukraine.

These nations must live . . . they have the right to live . . . to exist just as other nations have the right to exist!!!

Until these nations are free again . . . let us all work and pray for them.

May God be with us!! ●

DISSENTING VIEWS OF CONGRESSMAN DRINAN ON H.R. 7308, THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

● Mr. DRINAN. Mr. Speaker, H.R. 7308 has a number of serious defects and is far from the "model wiretap bill" as the New York Times asserted in its editorial of June 29. It permits surveillance of Americans, in certain circumstances, without a court order. It does not contain adequate safeguards to minimize the acquisition of the conversations of innocent people. It requires telephone company employees, custodians, landlords, and others to assist, against their wills, the CIA, the FBI, and other agencies which are engaging in electronic surveillance. And it gives no notice to persons who are overheard that their conversations have been recorded.

The question whether and to what extent Congress should approve the use of electronic surveillance to obtain foreign intelligence information is a matter of the highest importance for the Nation. Its resolution cannot be lightly undertaken and must be given the most detailed scrutiny. In 1968, when Congress first authorized the use of electronic surveillance for law enforcement purposes, it put aside the issues raised by H.R. 7308. By enacting section 2511(3) of title 18, contained in the Omnibus Crime Control and Safe Streets Act, Congress left in place whatever presidential power existed to engage in surveillance without judicial warrants in national security cases. H.R. 7308 confronts the questions Congress left open in 1968.

CRITERIA FOR EVALUATING H.R. 7308

Since 1968, many observers have studied the matter of electronic surveillance very carefully. Among others, the Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice has conducted numerous hearings over the past several years. Indeed this subcommittee has successively examined the predecessors to H.R. 7308, beginning in 1976 with the Ford administration bill. We received testimony which was quite critcial of the various proposals which have been before us. While proponents sought to discount such adverse comment, they have failed, in my judgment, to carry the burden of persuading us that this bill is needed. When the rights of Americans under the fourth amendment are at stake, the Congress should not readily agree to invade them without evidence of the most compelling nature. The advocates of this bill have not adduced testimony anywhere near that level. Based on the hearing record, as well as my experience as a teacher of constitutional law, I seek to amend H.R. 7308 to effectuate fully the protections of the fourth amendment.

THE NEED FOR H.R. 7308

It is critical that the House not assume as correct any of the premises which undergird this bill. Each of the assumptions must be examined thoroughly and without any preconceived notions about the need for employing electronic surveillance to gather so-called foreign intelligence information. In testimony before the Judiciary Subcommittee, the Ford administration provided very little hard evidence of the necessity for this measure. Official representations, both in public and executive sessions, amounted to little more than generalities couched in terms of protecting the Nation from foreign attack. That is not a sufficient basis upon which to authorize the broad powers sought by the executive branch. The national experience and disclosures of the recent past show all too clearly that Presidents and Attorneys General have used national security as a pretext for snooping into the lawful activities of political opponents or persons perceived to pose a threat to their political security. Morton Halperin, director of the Center for National Security Studies and a victim of such abuses, testified on June 29, 1978, as follows:

> The Church Committee Report shows clearly that taps on foreign embassies have given rise to extensive abuses. When Presidents Johnson and Nixon asked for information about the antiwar views and activities of senators and congresspersons, the FBI prepared a summary of contacts between American legislators and foreign officials through accidental overhears on embassy wiretaps. The first such list was 67 pages long and covered the period from July 1, 1965 through March 17, 1966. The second summary was prepared 2 months later and additional materials were sent bi-weekly to the White House under the Johnson and then Nixon administrations (see Church Committee Report, Vol. 3, pp. 313–314).

In the context of those documented abuses, we must proceed with extreme caution in this very sensitive area.

I should note that persons like Mr. Halperin who have served in the executive branch in the area of national security have questioned the value of electronic surveillance as a tool for obtaining foreign intelligence information. On April 24, 1974, Mr. Halperin, who worked for several years in the White House and the Defense Department on national security matters, testified before a judiciary subcommittee. He took a very dim view of the value of intelligence gathered by electronic surveillance. "In my judgment," he noted, "such surveillance has extremely limited value and can in no sense be called vital to the security of the United States." Mr. Halperin based that view on his personal experience with such data and on his knowledge that "the American Government has many other sources of information of significantly greater value." I would like to underscore Mr. Halperin's testimony that the United States has other sources of information which are of much "greater value" than electronic

surveillance. These sources of intelligence should be carefully explored by this House as viable alternatives to this bill. My information is that these other sources provide nearly all of the use of the useful intelligence information, and that electronic surveillance is only of marginal importance.

CONSTITUTIONAL CONSIDERATIONS

Second, the House must weigh the value of and the need for intelligence information gathered from electronic surveillance against the intrusions into constitutionally protected rights, such as privacy, association, and speech.

I continue to believe that any electronic surveillance, whether approved by a court or not, violates the Constitution because such interceptions of private conversations can never satisfy the particularity requirement of the fourth amendment. It should be recalled that, to obtain a warrant under the fourth amendment, the applicant must submit a sworn statement, "particularly describing the place to be searched, and the person and things to be seized." Invariably an application for a bug or a tap cannot be that specific: It cannot describe with particularity all the persons to be overheard and all the conversations to be recorded.

This is the real evil of electronic surveillance; it is indiscriminate. It brings within its scope conversations of the innocent as well as the allegedly guilty. It is this indiscriminate quality of electronic surveillance that is most to be feared. Even physical surveillance, which some find offensive, is a much more targeted intelligence gathering technique than electronic surveillance. At least physical observation is more or less restricted to the person who is the object of the Government's interest. Electronic surveillance does not have these inherent limitations. Minimization provisions, which attempt to reduce the unnecessary intrusions into privacy, are generally inadequate. Later in this statement I will address the minimization sections of H.R. 7308.

Furthermore the attitudes of this administration toward the fourth amendment leave a great deal to be desired. On several occasions since President Carter took office, the Justice Department has taken positions, particularly in the Supreme Court, which undermine the protections of that amendment. For example, in United States against Chadwick, the Supreme Court, through Chief Justice Burger, rejected the Government's narrow view of the fourth amendment protections against unlawful searches and seizures. In his concurring opinion, Justice Brennan noted that "it is deeply distressing that the Department of Justice, whose mission is to protect the constitutional liberties of the people of the United States, should even appear to be seeking to subvert them by extreme and dubious legal arguments." Even the two dissenting justices characterized the Government's position as "an extreme view of the forth amendment." Unless the discretion of the Attorney General is carefully circumscribed, which H.R. 7308 does not do, one cannot be sanguine about the results which will obtain when this legislation is implemented.

INTERNATIONAL IMPLICATIONS

A third factor which the House should evaluate in considering legislation to authorize electronic surveillance in the national security area is the international implications. In 1972 the Vienna Convention on Diplomatic Relations, ratified by the Senate in 1965, came into force in the United States. The Convention requires that the premises of a diplomatic mission and its personnel, including their private residence, be "inviolable" (see articles 22, 24, 27, 29, and 30 of the Convention). In effect this treaty prohibits electronic surveillance of foreign emissaries and the premises they occupy.

When former Attorney General Levi appeared before the House Judiciary Subcommittee on June 2, 1976, he testified that the "treaty does not cover the subject matter of the bill [then H.R. 12750]." He based that opinion on a memorandum prepared by the Offices of Legal Counsel in the Justice Department. Mr. Levi and Mr. Bell have steadfastly refused to make that memorandum public, although they offered to allow Members to read it in private. I read that document and found it unpersuasive. The prohibitions in the treaty are clear; I continue to believe that we violate a solemn international obligation if we pass this bill. To avoid these problems, the Intelligence Committee has added language to H.R. 7308 to preclude the application of the treaty to the surveillance authorized by this measure. The committee report makes that quite plain:

Therefore, the "notwithstanding any other law" language is intended to make clear that, notwithstanding the Vienna Convention, the activities authorized by this bill may be conducted.

That is a pretty shoddy way to amend the terms of a treaty. If the administration has any doubt about the meaning of the Vienna Convention, then it should seek a negotiated modification with the other nations who are signatories to it. I do not favor unilateral changes of international obligations, and I hope the House will concur.

ANALYSIS OF H.R. 3708

In my judgment the three factors which I have outlined are critical considerations in evaluating any legislation which would authorize electronic surveillance for gathering foreign intelligence information. I would hope members of the House will agree that those factors are of great importance and must be examined carefully. Apart from this tripartite analysis, which should precede any vote on H.R. 7308, I also wish to raise some specific objections to features of that bill.

CRIMINAL STANDARD

Let me begin with the question whether a criminal standard of probable cause should govern any authorization for surveillance. Initially I should state unequivocably that any surveillance bill must have a criminal standard if the restrictions of the Constitution are to be faithfully observed. It may be that there is room, under applicable Supreme Court decisions, to adjust that standard so as to require something less than probable cause. In some contexts, for example, the Supreme Court has approved a "reasonable suspicion" test to permit a limited intrusion into a person's privacy. But in all cases, the standard must relate to evidence of criminal conduct. That is what existing law under title III of the 1968 act requires. Before any tap or bug can be authorized, the judge must find, among other things "probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense" enumerated in title III.

H.R. 7308 does not uniformly require a criminal standard of probable cause in order to obtain a surveillance authorization. That is its major deficiency, as many witnesses have testified. Indeed the Intelligence Committee frankly concedes that the purpose of the bill is to obtain intelligence information which is not of a criminal nature.

> Although there may be cases in which information acquired from a foreign intelligence surveillance will be used as evidence of a crime, these cases are expected to be relatively few in number, unlike chapter 119 interceptions [title III of the 1968 act], the very purpose of which is to obtain evidence of criminal activity.

With that purpose clearly stated, it should come as no surprise that the fourth amendment probable cause standard is not applied to all cases under this bill. What should come as a surprise, though, is the major break with fourth amendment doctrine that H.R. 7308 would affect.

In deed, in some respects, H.R. 7308, as reported by the Intelligence Committee, is less restrictive than the earlier bills. For example, the earlier version defined "agent of a foreign power" to include, among others:

> "* * * any person who knowingly engages in clandestine intelligence activities for or on behalf of a foreign power, which activities involve or will involve a violation of the criminal statutes of the United States."

The bill, as amended by the Intelligence Committee, would insert the word "gathering" between "intelligence" and "activities," and would substitute the word "may" for "will." Insertion of the word "gathering" arguably narrows the scope of the section, but replacing "will" with "may" arguably broadens it.

Furthermore H.R. 7308 does not appear to require any criminal standard for agents of foreign governments who are not U.S. citizens or resident aliens. The bill would impose a criminal standard in some circumstances, but it would not impose one across-the-board. Consequently my criticism of earlier bills that they authorized surveillance without probable cause relating to criminal activity is equally applicable to H.R. 7308.

It should be noted in passing that the distinction drawn in H.R. 7308 between citizens and resident aliens on the one hand, and all other persons within the

United States on the other has little constitutional support of which I am aware. The protections of the fourth and fifth amendments, for example, extend to all persons, not merely citizens and resident aliens. See *Abel* v. *United States*, 362 U.S. 217 (1960). Many people in the United States are neither citizens nor resident aliens, nor spies. Tourists, lecturers, business people, scholars, and many others regularly visit this country for purposes unrelated to clandestine activity. As I understand the bill they would not receive the special protection which the proposal appears to give to citizens and resident aliens ("United States persons"). The committee report makes that very clear with respect to the minimization provisions, for example. It states that "only information concerning a United States person need be minimized." Id. at 57. This double standard is constitutionally unacceptable and represents the xenophobia of a by-gone day. In testimony before the Judiciary Subcommittee on May 22, 1975, former Secretary of State Dean Rusk attempted to draw a distinction between diplomatic personnel, who are immune from criminal prosecution, and all other U.S. residents. Although I reject that distinction also, it does have some greater logic than the distinctions drawn in H.R. 7308 between citizens and resident aliens and all other persons in the United States.

DEFINITIONS

There are, to be sure, other objections to H.R. 7308, and the other pending bills. The definitions of "foreign intelligence information" and "foreign power" are much too broad. For example, "foreign intelligence information" includes any "information with respect to a foreign power or foreign territory that relates to and, if concerning a United States person, is necessary to * * * the conduct of the foreign affairs of the United States." Section 101(e)(2)(B). That definition has virtually no limits. There are many topics of conversation which every Secretary of State would determine "relates" or is "necessary" to the conduct of foreign policy.

The definition of "foreign power" is also overly broad. It includes, among others, foreign governments, factions of foreign governments, foreign political parties, and foreign military forces. This means that a conversation between an American citizen and an officer or employee of a foreign political party is potentially a subject for surveillance. The reach of that section is far too expansive. The definition, in fact, raises the question whether the bill could be used to engage in surveillance involving so-called third-country disputes which spill over into the United States. As I read the bill, the Attorney General could obtain a court order to overhear conversations of persons belonging to "a faction of a foreign nation" even though the subject matter only marginally related to the direct interests of the United States. In short, the critical definitions are too broad to be meaningful restrictions on the Attorney General's authority, either with or without a warrant, to engage in electronic surveillance.

MINIMIZATION

Furthermore, H.R. 7308 fails to provide adequate provisions relating to "minimization," the process of excluding from the surveillance conversations which are unrelated to "foreign intelligence information." The committee report accompanying the bill frankly recognizes that "it may not be possible or reasonable to avoid acquiring all conversations." Id. at 56. That is a devastating admission when it is considered that the purpose of minimization procedures is to preclude the Government from acquiring all conversations. Once officials acquire such information, it is more difficult to disgorge such data from their files. It is fine to have greater restrictions on retention and dissemination of irrelevant information. But if the Government is permitted to acquire such data in the first instance, there is little assurance that it will rid its files of the materials.

To be sure, the bill as reported does make a few improvements on the minimization provisions contained in its predecessor. When I testified before the Intelligence Subcommittee on Legislation on February 8, 1978, I suggested that the bill be amended as follows:

> The statute should identify the particular measures to be taken to minimize unnecessary invasions of privacy. The Attorney General should be required at least to promulgate minimization regulations or guidelines which would be applicable in all cases.

The committee bill generally moves in the direction of providing greater protection against the overhearing of nonrelated conversations. It does not, however, go far enough, and in any case, events have since overtaken both my testimony and the committee bill.

On May 15, 1978, the Supreme Court decided *Scott* v. *United States*, —— U.S. —— (1978), the first case in the Court to raise the scope and meaning of the minimization provisions in title III of the 1968 act. In Scott, the Federal agents made no attempt to minimize the overhearing of conversations unrelated to the purpose of the wiretap. Consequently approximately 60 percent of the intercepted conversations had nothing to do with the alleged criminal conduct. Nonetheless the Court, at the urging of the Justice Department, held that the minimization requirements prohibited only unreasonable efforts not to minimize, and reasonableness is to be determined in the total context of the case (including hindsight after the taps are removed and the convictions obtained). The *Scott* decision, and especially the position of the Justice Department which it sustained, provides no reassurance that the Attorney General will impose strict minimization requirements. In fact the history of the *Scott* case suggests the contrary. The committee report makes no reference to the *Scott* case nor indicates any intention to overturn its holding or the policies incorporated in title III of the 1968 act. In fact, at one point, the Intelligence Committee report indicates that the minimization procedures under H.R. 7308 are less restrictive than under title III of the 1968 act.

> It is recognized that given the nature of intelligence gathering, minimizing acquisition should not be as strict as under chapter 119 of title 18 [title III of the 1968 act] with respect to law enforcement surveillances. Id at 56.

But the most serious deficiency in the minimization area is that H.R. 7308 does not limit the use of overheard conversations which are unrelated to the purpose of the surveillance. In fact the bill expressly permits the use of such acquired information in a criminal prosecution regardless of the remoteness of the crime from the surveillance. Section 101(h)(3) of the bill authorizes:

> * * * procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for the purpose of preventing the crime or enforcing the criminal law.

Thus evidence of crime, obtained accidentally through a foreign intelligence tap, may now be used to prosecute the hapless victim of the surveillance, even though she or he may not even have been the "target" of the surveillance.

When Government agents obtain incriminating evidence through electronic surveillance which is not intended for that purpose, and which may be totally unrelated to the alleged criminal activity, they should not be allowed to use it for prosecutorial purposes. Such "fruit of the forbidden tree" should not be available to prosecute the party for conduct which may not be even remotely connected to the object of the surveillance. This is especially true when it is considered that the criminal standard, where it does appear in these bills, is not uniformly required for obtaining a surveillance warrant in the first instance.

PROCEDURAL SAFEGUARDS

In this same vein, H.R. 7308 makes no provision for notifying innocent persons whose conversations have been recorded or overheard merely because, for example, they called the embassy of a foreign country for travel information. Any time these "foreign intelligence" taps result in the interception of conversation unrelated to the subject of the surveillance, the innocent victim should be notified, or the records destroyed, or both. The notification provisions of H.R. 7308, as noted earlier, are not strong enough to insure the destruction of data or recordings which are worthless or unrelated to the purpose of the surveillance.

In this context, the bill should provide for a public advocate to protect the rights of innocent parties. Since H.R. 7308 authorizes ex parte applications to a special court and permits ex parte extensions of existing bugs or taps, some mechanism is necessary to protect the rights of third parties who are unwittingly caught in the Government's dragnet surveillance. If such an office were established, I would have greater confidence that the privacy of U.S. residents would be more fully secured.

A provision for a public advocate takes on added importance when the "renewal" features of H.R. 7308 are examined. The Government may seek an unlimited number of 90 day extensions for any surveillance authorized under the bill. Thus the intrusion into the

privacy of the United States residents could go on for years, without anyone knowing about it. In addition the bill also authorizes the Attorney General to approve emergency surveillance when a court order cannot be obtained in the needed period of time. The Attorney General must then submit the normal application to the judge within 24 hours. If the judge denies the application, the bill gives the court the discretion to notify the innocent victims of the initial 24 hour surveillance. But the Government, again at an ex parte proceeding, may request that such notice be postponed for 90 days (the original Levi bill had a 30-day provision). Thereafter, once more through an ex parte proceeding, the court is prohibited from serving notice if the Government has made a further showing of "good cause." This exception makes a mockery of the limited notice rule in emergency surveillance situations, and further supports the need for a public advocate to be present at all these ex parte hearings.

COMPELLED PARTICIPATION OF THIRD PARTIES

Finally H.R. 7308 requires employees of communications companies, landlords, custodians, and others to provide whatever assistance is necessary for the Government agents to effectuate the surveillance. I vigorously oppose any such provision that requires innocent workers to participate in "this dirty business" of bugging and tapping, as Justice Holmes once called it. If such persons want to provide assistance to Government agents on a voluntary basis, that is up to them individually. But this bill would require their involuntary participation. That is totally offensive, in my judgment, to a democratic society based on respect for individual rights.

CASE OR CONTROVERSY

H.R. 7308 has been criticized because it assigns duties to the judiciary which are not within the traditional definition of "judicial power." That argument proceeds from the settled doctrine that article III of the Constitution restricts the exercise of judicial authority to "cases or controversies." The Supreme Court has explained that limitation as being based, in part on the need "to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions." *Baker* v. *Carr*, 369 U.S. 186, 204 (1962). If the application for a warrant is conducted in secret and without the presence of any opposing party, as is the case under H.R. 7308, how can this constitute a "case or controversy" within the meaning of the Constitution?

Proponents of this legislation contend that the warrant procedure under this bill is no different than the warrant procedure under title III of the 1968 act. Thus, they reason, that since the 1968 act is constitutional, so is H.R. 7308. First, it should be observed that, to my knowledge, the warrant procedures of the 1968 act have never been challenged on the ground that they do not present a case or controversy within the judicial power of the United States. Second, the warrant procedures in the 1968 act are different in critical aspects from the procedures in H.R. 7308.

The warrant process under title III is viewed as ancillary to another proceeding, the investigation and prosecution of crime. If the information obtained through the surveillance leads to a prosecution, the defendant will have the opportunity to challenge, in an adversarial context, the legality of the tap or bug. If the information does not lead to a criminal prosecution, the person who is the subject of the surveillance is notified and given the opportunity to contest the validity of the surveillance in a civil suit. In either case, the initial application for a warrant may be viewed as a part of the case or controversy, either civil or criminal, which ordinarily follows the granting of the surveillance authorization. This is not the case under H.R. 7308.

First, as noted earlier, H.R. 7308 is not designed to procure information in connection with any criminal proceeding. As the committee report notes:

> Although there may be cases in which information acquired from a foreign intelligence surveillance will be used as evidence of a crime, these cases are expected to be relatively few in number. . . .

Thus the person whose conversations have been overheard will not have the opportunity to contest the lawfulness of the surveillance in any criminal proceeding.

Second, the bill does not provide any notification to such persons, as title III of the 1968 act does. Thus the victim of unlawful surveillance under the bill may never know of the illegality. Even a blind request by a suspecting individual under the Freedom of Information Act will not determine whether the requesting person has been the subject of a foreign intelligence surveillance. Both the FOIA and the Privacy Act contain exemptions for records ordered by the executive branch "to be kept secret in the interest of national defense or foreign policy." 5 U.S.C. 552(b)(1). The Privacy Act contains a general exemption for the records of the CIA. As I read this bill, there is no way for an American citizen, or any other person who has been the subject of an unlawful surveillance to find out about the illegality. The only barrier standing between the victim of illegal wiretapping or bugging and a warrant is the special courts created by H.R. 7308. And there is no subsequent check on the behavior of the courts or the Executive under this bill. In the absence of the procedures, contained in title III of the 1968 act, which ordinarily lead to a case or controversy, I think the argument that this bill raises serious questions under article III is substantial.

Apart from the constitutional contentions against the warrant procedures contained in this bill, I do not understand why the judges assigned to these special courts would not take offense at the duties and limitations imposed upon them. They are not free to examine all the evidence presented by the Attorney General as they are in the ordinary warrant application process under title III. Certain critical determinations of the Executive are reviewable only on a "clearly erroneous" standard. See section 105(a)(5) of H.R. 7308. All the materials submitted for their examination, as well as the proceeding itself, are wrapped in a great shroud of secrecy. It appears that even the court clerks, reporters, and other necessary support personnel will be executive branch employees with security clearances. Such procedures, I should have thought, would be a tremendous affront to the independence of the judiciary, which is a hallmark of our system of democratic government. I would hope that the judges would reject the commission imposed upon the judiciary duties not within the brethren did in the first days of the Republic when Congress sought to foist upon the Judiciary duties not within the "judicial power of the United States." See *Hayburn's Case*, 2 U.S. (2 Dall.) 409 (1972).

SUMMARY

It is said that this bill establishes legal standards for foreign intelligence surveillance which are better than current law. That is hardly persuasive, in part, for the same reason that we did not glorify Mussolini because he made the trains run on time. Improvement is fine, but at what price? When the myriad infirmities of H.R. 7308 are added together, what real advances have we made in protecting fourth amendment values? None, in my judgment. I fear the bill leaves us with a secret judicial proceeding conducted under the most secret circumstances to sanction current Executive practices to engage in electronic surveillance to gather foreign intelligence information. Only the self-restraint of the special judges, who should be offended by this imposition of nonjudicial duties, stands between the potential victim and unbridled administrative discretion. And the victim will, under this bill, never know that she or he has been the subject of this extraordinary proceeding to authorize Government agents to overhear conversations or intercept nonverbal communications. And that, it is said, is better than current law.

The administration claims to support this bill with all its heart and soul, including those of the intelligence community. One has to question the sincerity of that commitment when current executive branch practices regarding surveillance are examined. If the Carter administration is four-square behind this bill, why has it not adopted each and every provision of it on an administrative basis? Surely it could have administratively adhered to the strictures of the bill without Congress enacting any legislation. That, at least, would have demonstrated the good faith of the executive branch's support for this bill. I suspect the administration has not done so simply because it thought Congress might begin at that point and impose greater restrictions. When one starts at such a low level of protection for privacy, which is the present state of executive branch practice, it is quite easy to make the case that H.R. 7308 is better than current law. But that hardly meets the argument that current practice is unauthorized and un-

constitutional, and that the bill contains similar deficiencies.

In urging Congress to enact this law, the administration really seeks to have us approve its dubious practices involving foreign intelligence surveillance. H.R. 7308 does more to sanction current practice than it does to impose new and sufficient protections for all persons within the jurisdiction of the United States against unwarranted intrusions into privacy and doubtfully legal use of electronic surveillance.

I do not wish to leave the impression that I am totally against any legislation to control electronic surveillance. On the contrary, Congress should legislate more frequently than it does to protect fourth amendment rights. My own bill, H.R. 843, would modify existing practices in this area. It seems to me that an alternative to H.R. 7308, short of a total prohibition against all forms of electronic surveillance, could easily be drafted. Such a measure would have these essential features: (1) repeal the so-called reservation clause in section 2511(3) of title 18 which allows the President to assert whatever authority inheres in that office to engage in electronic surveillance, with or without a warrant; (2) require the executive branch to use title III of the 1968 act for any electronic surveillance to gather foreign intelligence information; (3) strengthen the minimization procedures in the 1968 act and the remedies available to private persons for unlawful surveillance. If these three simple things were done, I would feel more confident that the minimum requirements of the fourth amendment were faithfully protected. I do not now have that confidence in H.R. 7308.

Finally I should add that unsupported appeals to "national security" should not determine whether H.R. 7308 or any other bill becomes public law. Our national security is adequately safeguarded through the use of other, less intrusive methods of gathering foreign intelligence information. After all, our country did survive prior to President Roosevelt's authorization of limited electronic surveillance for national security purposes. It should be remembered too that the liberty of the people is at least as important as the marginal increment in intelligence information which we acquire through the inherently indiscriminate method of electronic surveillance. As the district judge in the Pentagon Papers case cogently observed:

> The security of the Nation is not at the ramparts alone. Security also lies in the value of our free institutions. 328 F. Supp. at 331.

I should add that an integral part of our free institutions is the security of the people from unwarranted intrusions by Government agents into their privacy, intrusions which H.R. 7308 would unnecessarily authorize.

H.R. 7308 is tentatively scheduled for consideration by the full House some time next week. At that time, I will offer a series of amendments which would remove the more objectionable provisions of this bill. I hope we can avoid the very serious intrusions on our constitutional rights which are sanctioned by H.R. 7308. Absent the adoption of amendments to purge these intrusions, the Foreign Intelligence Surveillance Act represents a step backward, not forward, in our efforts to curb the excesses of the intelligence gathering agencies and should be defeated.●

STATEMENT OF CHAIRMAN AL ULLMAN, COMMITTEE ON WAYS AND MEANS, WITH RESPECT TO THE RULE TO BE REQUESTED FOR CONSIDERATION OF TITLE V OF H.R. 11733, THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1978

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. ULLMAN) is recognized for 5 minutes.

● Mr. ULLMAN. Mr. Speaker, on August 1, 1978, the Committee on Ways and Means favorably acted on a proposed title V to H.R. 11733, the Surface Transportation Assistance Act of 1978. The committee acted at the specific request of the Committee on Public Works and Transportation which has legislative jurisdiction over titles I–IV of the bill, relating to the substantive Federal-aid highway program. The principal provisions of title V would extend the highway trust fund and those excise taxes currently dedicated to the trust fund for an additional 5 years beyond the present expiration date of September 30, 1979.

I take this occasion to advise my Democratic colleagues as to the nature of the rule that I will request for consideration of title V of H.R. 11733 on the floor of the House.

The Committee on Ways and Means instructed me to request the Committee on Rules to grant a closed rule for consideration of title V which would provide for, first, committee amendments, which would not be subject to amendment, and second, 1 hour of general debate, to be equally divided.

We intend to transmit next week title V and committee report language to the Committee on Public Works and Transportation for filing as a single committee report to the House. It is our intention to request a hearing before the Committee on Rules concurrently with the Committee on Public Works and Transportation.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. LLOYD), is recognized for 5 minutes.

● Mrs. LLOYD of Tennessee. Mr. Speaker, on July 27, 28, and 31, I was granted an official leave of absence due to illness. On those days, I missed 14 votes, specifically being rollcall No. 608 through No. 617 and No. 619 through No. 622. I would have voted in the following manner:

Rollcall No. 608, "aye."
Rollcall No. 609, "nay."
Rollcall No. 610, "nay."
Rollcall No. 611, "nay."
Rollcall No. 612, "no."
Rollcall No. 613, "yes."
Rollcall No. 614, "no."
Rollcall No. 615, "yes."
Rollcall No. 616, "nay."
Rollcall No. 617, "aye."
Rollcall No. 619, "yes."
Rollcall No. 620, "yes."
Rollcall No. 621, "yes."
Rollcall No. 622, "yes." ●

LIBRARY OF CONGRESS STUDY WIDENS THE HOLES IN THE ROTH-KEMP TAX CUT BILL

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

○ Mr. VANIK. Mr. Speaker, the Library of Congress, at my specific request, has completed a comprehensive study of the Roth-Kemp tax cut bill. That bill seeks to cut taxes by close to $100 billion over 3 years in the fervent hope that that action would lead to improved economic conditions.

Mr. Speaker, adoption of a tax cut in the dimension contemplated in the bill is extremely risky business. Even using figures from Congressman KEMP's own econometric studies, the deficit caused by such a tax cut would almost double the current deficit. Inflation rates obviously would rise above the current near-10 percent figure.

This Kemp-Roth bill was never offered, debated, or analyzed by the Ways and Means Committee. There was never an opportunity to discuss its merits, its advantages, its weaknesses, or its dangers.

The Library study is comprehensive; but I think it is extremely important and should be available to all Members and their staffs. It refutes almost every argument offered by the authors of the bill.

The bill is inflationary. It will increase the deficit by a large amount and in a very short time. It cannot be compared to the Kennedy tax cuts in the 1960's. That period was more affected by our Nation's movement into the Vietnam war than by any other phenomenon. Almost half of the increase in Government revenues resulted from four social security tax increases in this same period.

The Library of Congress study cautiously points out that the favorable aspects of the econometric studies of the Roth-Kemp tax cut bill would be accompanied by substantially higher inflation, higher interest rates, and a larger Federal deficit.

This report should be carefully reviewed by every Member of Congress. In order to reduce printing costs, I have eliminated a section on public finance which is available at the Library of Congress.

The report is as follows:

AN ECONOMIC ANALYSIS OF THE KEMP/ROTH TAX CUT BILL, H.R. 8333: A DESCRIPTION, AN EXAMINATION OF ITS RATIONALE, AND ESTIMATES OF ITS ECONOMIC EFFECTS

(By Donald W. Kiefer, Specialist in Taxation and fiscal policy, July 31, 1978)

[Figure and chart are not printed in the CONGRESSIONAL RECORD.]

The "Tax Reduction Act of 1977", H.R. 8333,[1] better known as the Kemp/Roth tax cut bill, has become the subject of substantial interest in Congress and the nation at large in mid-1978. The bill and its underlying philosophy, largely embodied in the so-called "Laffer Curve", have been the sub-

Footnotes at end of article.

ject of considerable Congressional discussion and debate, numerous articles in the popular press and programs in the electronic media, and a large number of requests to the Congressional Research Service for information and analysis. This paper is intended as an overall response to those requests and, in part, incorporates material from prior CRS memoranda and reports. The analysis is organized into three sections: 1) a description of the bill and its direct economic effects, 2) an analysis of the supporting arguments for the bill, and 3) a discussion of the available estimates of the bill's potential macroeconomic effects.

I. DESCRIPTION OF THE TAX CUTS IN THE KEMP/ROTH BILL AND THEIR DIRECT ECONOMIC EFFECTS

H.R. 8333 would cut individual and corporate income taxes through three separate devices, all conceptually simple. Individual income taxes would be cut through reductions in the statutory tax rates applicable to each taxable income bracket. Corporate income taxes would be reduced by a cut in the normal corporate tax rates and an increase in the surtax exemption.

A. Individual tax rate reductions

The individual tax rate reductions would be phased in over a three year period in 1978, 1979, and 1980. The bill would replace the tax rate schedules in Section 1 of the Internal Revenue Code with new schedules each year during the phase in. The tax rate schedules are designed to provide an overall tax cut of approximately 11 percent, 22 percent, and 33 percent respectively during the three year phase in. Figures 1 and 2 show graphically the effects of the proposed rate cuts on the marginal tax rates applicable to each income bracket for married taxpayers filing joint returns and surviving spouses. In Figure 1 the top line shows the present rate schedule with marginal tax rates ranging progressively from 14 percent in the $0 to $1,000 taxable income bracket to 70 percent for taxable income over $200,000.

The three other lines in the graph show the marginal tax rates each year of the tax cut phase in under H.R. 8333. By 1980, when the reductions would be fully implemented, the tax rates would range from 8 percent in the lowest tax bracket to 50 percent in the highest (the tax brackets remain unchanged).

Figure 2 shows the actual reduction in marginal tax rates and the percentage rate cut for each tax bracket under the rate schedule which would be effective for 1980 and beyond, compared to present tax rates. The actual tax rate cut ranges from 6 percent in the lowest brackets to 20 percent in the highest. The percentage cut, however, is highest in the lowest brackets, beginning at nearly a 43 percent reduction in the tax rate applicable to taxable income from 0 to $1,000. The percentage cut declines to 31.6 percent in the $4,000 to $8,000 income bracket and remains in the neighborhood of 30 percent across the rest of the tax brackets, dipping slightly below 30 percent for taxable income above $100,000.

These data can be translated into estimates of the distribution of the individual income tax burden across income classes under present law and under the Kemp/Roth bill. Such estimates are provided in Tables 1 and 2 based on 1978 levels of income; the estimates for the Kemp/Roth bill reflect the full one-third tax cut rather than the first year of the phase-in. As the tables make clear, the bill would have two significant effects on individual income tax liabilities: (1) all taxpayers would receive a substantial tax reduction, and (2) because the largest tax cuts would occur in the lower income brackets the progressivity of the income tax structure would be increased, with the lower income brackets bearing a somewhat smaller proportion of the total tax burden and the higher income classes a somewhat larger portion after the tax cut.

TABLE 1.—DISTRIBUTION OF INDIVIDUAL INCOME TAX LIABILITY UNDER PRESENT LAW AND KEMP/ROTH BILL, H.R. 8333

[1978 levels of income]

Expanded income class	Present law		Kemp/Roth bill		
	Tax liability (millions)	Percentage distribution	Tax liability (millions)	Percentage distribution	Change from present law as percent of present law tax
Less than $5,000	−$137.30	−0.07	−$427	−0.3	211.0
$5,000 to $10,000	8,243.86	4.47	4,699	3.8	−43.0
$10,000 to $15,000	17,068.58	9.26	10,702	8.8	−37.3
$15,000 to $20,000	24,055.21	13.05	15,684	12.8	−34.8
$20,000 to $30,000	44,753.40	24.27	29,582	24.2	−33.9
$30,000 to $50,000	39,254.90	21.29	26,026	21.3	−33.7
$50,000 to $100,000	23,998.51	13.02	16,151	13.2	−32.7
$100,000 to $200,000	13,136.62	7.12	9,327	7.6	−29.0
$200,000 and over	13,737.81	7.45	10,427	8.5	−24.1
Total	184,386.19	99.86	122,171	100.0	−33.7

Note: Details may not add to totals due to rounding.

Source: Office of the Secretary of the Treasury, June 16, 1978, Office of Tax Analysis.

TABLE 2.—TAX UNDER PRESENT LAW AND UNDER S. 1860 AND H.R. 8333 FOR A SINGLE PERSON AND A MARRIED COUPLE WITH NO, 1, 2, AND 4 DEPENDENTS[1]

[Assuming deductible personal expenses of 23 percent of income]

Adjusted gross income[2]	Tax liability														
	Single person			Married couple with no dependents			Married couple with 1 dependent			Married couple with 2 dependents			Married couple with 4 dependents		
	Under present law	Under the proposal	Reduction	Under present law	Under the proposal	Reduction	Under present law	Under the proposal	Reduction	Under present law	Under the proposal	Reduction	Under present law	Under the proposal	Reduction
$3,000	0	0	0	0	0	0	[3] −$300	−$300	0	−$300	−$300	0	−$300	−$300	0
$5,000	$279	$150	$129	0	0	0	−300	−300	0	−300	−300	0	−300	−300	0
$6,000	449	250	199	$115	$37	$78	−200	−200	0	−200	−200	0	−200	−200	0
$8,000	810	461	349	431	233	198	273	120	$153	120	12	$108	0	0	0
$10,000	1,199	698	501	761	443	318	620	347	273	446	218	228	128	0	$128
$12,500	1,631	976	655	1,186	718	468	1,059	636	423	917	539	378	562	274	288
$15,000	2,126	1,309	817	1,651	1,028	624	1,486	915	571	1,330	812	519	990	567	423
$17,500	2,660	1,670	990	2,075	1,316	758	1,910	1,204	706	1,745	1,091	653	1,385	836	548
$20,000	3,232	2,062	1,170	2,555	1,643	912	2,368	1,516	852	2,180	1,388	792	1,808	1,125	683
$25,000	4,510	2,925	1,585	3,570	2,333	1,238	3,360	2,190	1,170	3,150	2,048	1,103	2,738	1,758	980
$30,000	5,950	3,900	2,051	4,712	3,096	1,616	4,472	2,939	1,534	3,232	2,781	1,451	3,778	2,464	1,314
$35,000	7,500	4,947	2,553	6,002	3,948	2,054	5,732	3,768	1,964	5,464	3,590	1,875	4,954	3,245	1,710
$40,000	9,233	6,141	3,092	7,427	4,911	2,516	7,135	4,709	2,426	6,848	4,512	2,336	6,278	4,122	2,156

[1] Assumes extension of existing, temporary tax reductions—the general tax credit and the earned income credit.

[2] Wage or salary and/or self-employment income.

[3] Negative tax liability represents the refundable portion of the earned income credit.

Source: Joint Committee on Taxation.

B. Corporate tax rate reductions

The corporate tax rate reductions in the Kemp/Roth bill would also be phased in over a three year period. The corporate tax changes are summarized in Table 3. Beginning in 1978 the normal corporate income tax rates[2] would be reduced 1 percent each year during the three year phase in, so that by 1980 the tax rate on the first $25,000 of net income would be 17 percent and the normal tax rate above $25,000 of net income would be 19 percent. Also, for taxable years beginning in 1978 and thereafter, the corporate surtax exemption would be increased to $100,000. Thus, presently the corporate income tax rate is 20 percent on the first $25,000 of net income, 19 percent between $25,000 and $50,000, and 48 percent for net income above $50,000. After the Kemp/Roth tax cut were fully phased in, the corporate tax rates would be 17 percent on the first -25,000 of net income, 19 percent between $25,000 and $100,000, and 45 percent for net income in excess of $100,000.

Footnotes at end of article.

TABLE 3.—NORMAL CORPORATE TAX RATES AND SURTAX EXEMPTION UNDER PRESENT LAW H.R. 8333

	Present Law, 1978	H.R. 8333 1978	1979	1980
Net income (normal tax rates):				
0 to $25,000	20	19	18	17
$25,000 and above	22	21	20	19
Surtax exemption (amount)	$50,000	$100,000	$100,000	$100,000

TABLE 4.—EFFECT OF KEMP/ROTH PROPOSALS ON CALENDAR YEAR TAX LIABILITY

	Full year 1978	Calendar years 1979	1980	1981	1982	1983
	[$ millions]					
Individual income tax rate reduction	−61,974	−24,834	−59,796	−107,092	−128,510	−154,212
Corporate income tax rate reduction	−7,077	−3,872	−6,472	−9,473	−10,258	−11,174
Total	−69,051	−28,706	−66,268	−116,565	−138,768	−165,386

Source: Office of the Secretary of the Treasury, June 16, 1978, Office of Tax Analysis.

C. Estimates of reductions in effective tax rates

The statutory tax rate changes described above will cause a reduction in overall average effective tax rates. To estimate the magnitude of this reduction for the individual income tax rate cuts, data on the amount of taxable income at each marginal tax rate from 1973 tax returns filed by married couples filing joint returns and surviving spouses were employed.[3] Based on the amount of income taxed at each marginal tax rate, a weighted average of the statutory rates was computed for present law and for each of the tax rate schedules for the three phase in stages under H.R. 8333. This procedure yields the average effective income tax rates (based on taxable income) under the alternatives. The results of this computation are average effective tax rates under the present tax rate schedule of 21.8 percent (again, based on taxable income), and under H.R. 8333 of 19.2 percent in 1978, 16.8 percent in 1979, and 14.5 percent in 1980. Thus average effective individual income tax rates would reduce 11.8 percent, 22.8 precent, and 33.5 percent (from 1977 levels) respectively in the three phase in years.

An analagous procedure was used to compute the reduction in average effective tax rate which would result from the corporate income tax changes proposed in H.R. 8333. Based on the distribution of corporate taxable income across income classes[4] weighted averages of the statutory tax rates under present law and under H.R. 8333 were computed.[5] This procedure yielded estimates of effective corporate income tax rates (based on net income) of 43.9 percent under present law, and under H.R. 8333, 41.9 percent in 1978, 40.9 percent in 1979, and 39.9 percent in 1980 and beyond. Average effective corporate income tax rates would therefore reduce 4.6 percent, 6.8 percent, and 9.1 percent respectively, in the three phase in years of the bill.

Revenue loss estimates are frequently calculated using estimates of reductions in effective tax rates. This exercise has been performed for the Kemp/Roth bill by the U.S. Treasury, and the results are displayed in Table 4. The left column of the table shows the revenue loss estimate if the Kemp/Roth tax cuts were fully effective in 1978. The other columns of the table show static revenue loss estimates for 1979 through 1983 assuming the three-year phase in of the tax cut began in 1979. The treasury estimates do not reflect any "feedback effects" from the Kemp/Roth bill—the larger tax receipts resulting from growth in the tax base which which is produced by the higher level of economic activity that would be stimulated by the tax cut. For a tax cut as massive as the Kemp/Roth bill such feedback effects would be substantial and cannot be ignored. The econometric results *analyzed* in section III of this paper assess the impact of the bill on the Federal deficit within the framework of macroeconomic models which incorporate estimates of the complex interrelationships among economic variables; hence these results do embody estimates of the feedback effects which would result from the tax cut.

In summary, it might be observed that the overall shape of the Kemp/Roth tax cut is rather conventional. The largest portion of the tax cut would go to individual taxpayers (over 90 percent, which is a larger portion than for most recent tax cuts), and lower-income taxpayers would receive proportionately larger tax cuts. The revised distributions of the individual income tax burden across income classes and the nature of the corporate income tax cuts in the Kemp/Roth bill and the Carter Administration's tax cut proposal announced early in 1978 are very similar. Thus, the primary distinguishing characteristic of the Kemp/Roth proposal versus other measures, including the Administration's, is its magnitude. This aspect of the proposal is therefore the focus of the economic analysis.

II. AN ANALYSIS OF THE SUPPORTING ARGUMENTS FOR THE KEMP/ROTH TAX CUT

While the proponents of the Kemp/Roth bill have advanced a number of arguments on its behalf, two contentions have received the principal emphasis and gained the most attention. The first involves reference to the 1964 tax cut as an appropriate historical precedent for the Kemp/Roth bill, and the second is the assertion that a general tax cut can be self-financing.[6] The latter argument usually includes a reference, in name or in substance, to the so-called "Laffer Curve."

With regard to the 1964 tax cut the Kemp/Roth advocates have advanced essentially four propositions: (1) that there is a strong analogy between the economic conditions in 1964 and at the present, (2) that the 1964 tax cut was a successful fiscal policy worthy of emulation, (3) that the economic "feedback effects" of the 1964 tax cut were completely unanticipated, and (4) that the increase in tax revenue which was generated by the more rapid economic activity resulting from the 1964 tax cut more than offset the original revenue loss attributable to the tax cut.

A. Economic conditions in 1964 and in mid-1978

The 1964 tax cut was the first major countercyclical tax reduction adopted in the United States. The tax cut had been proposed the previous year by President Kennedy as a remedy for high unemployment and slow economic recovery. Individual income tax liabilities were cut an average of 20 percent in two stages covering 1964 and 1965. The cut was accomplished by a revision of the tax rate schedule; rates were cut from a range of 20 percent in the lowest bracket to 91 percent in the highest bracket before the tax cut to a range of 14 percent to 70 percent after the tax cut.[7] Corporate income taxes were cut approximately 10 percent; the top corporate tax rate was reduced from 52 percent to 48 percent. When the tax cuts had become fully effective in 1965, individual income taxes were reduced approximately $11 billion and corporate taxes about $3 billion.[8]

While there are important similarities between present economic conditions and those which existed in 1964, there are also crucial dissimilarities. In 1978 we are approximately three years into an economic recovery from a recession, as we were in 1964. The 1975 recession was the most severe postwar recession, and so the recovery is taking considerable time. Presently, as was the case in 1964, the consensus forecasts imply that, in the absence of stimulative policy, economic recovery will subside shortly, perhaps to a level which will no longer make progress in reducing unemployment.

In mid-1978, as in 1964, we have an unemployment rate which is lower than during the depth of the recession, but nonetheless allows some room for further improvement. The present unemployment rate is 5.7 percent, down from 9.1 percent during May of 1975. The definition of full employment is presently the subject of considerable debate, but it is most likely in the range of 4.5 to 5.5 percent. Thus, while full employment has not yet been attained, the economy is nonetheless in the range where further progress in reducing unemployment must be accomplished gradually to avoid contributing to inflationary pressures. In 1964 the unemployment rate (on an annual basis) was 5.2 percent, down from 6.7 percent in 1961. At that time full employment was regarded to be in the neighborhood of 4 percent so, then as now, further improvement was possible.

The two eras are also similar in terms of industrial capacity utilization, indicating room for expansion of output. In 1964 the capacity utilization rate for total manufacturing, using the Federal Reserve Board measure, was 85.7 percent, up from 77.3 percent in 1961 but still substantially below full capacity. In May, 1978, the rate was 83.6 percent, up from the 70.9 percent rate experienced in the first quarter of 1975, but below the 1964 level and substantially below full capacity.[9]

The concept of the GNP gap, which is an estimate of the difference between actual gross national product (GNP) and potential GNP, is a way of combining the diverse economic indicators into a single measure of the degree of slack in economic performance. Some caution is necessary in using this concept because different analysts have different estimates of potential GNP, depending on their views of the level of full employment, capacity utilization, etc. The 1978 annual report of the Council of Economic Advisors provides their estimates of actual and potential GNP from 1952 through 1977.[10] Using this measure, the 1975 recession was considerably more severe than the 1961 recession, and in 1978 there remains considerably more slack in the economy than existed in 1964. These data indicate that, in 1972 dollars, 1961 actual GNP was $755.3 billion and potential GNP that year was $798.6 billion, indicating a GNP gap of $43.3 billion of 5.4 percent. By 1964 potential GNP had reached $890.3 billion, actual GNP was $874 billion, leaving a gap of $15.9 billion or 1.8 percent. In 1975 actual GNP was $1,202.1 billion compared to potential GNP of $1,316.9 billion, leaving a gap of $114.8 billion or 8.7 percent. The 1977 data indicate a potential GNP of $1,412.0, an actual GNP of $1,397.6 billion, and a resulting GNP gap of $74.4 billion or 5.3 percent. Thus, the output shortfall in 1977 was substantial and considerably larger than existed in 1964. Of course, this shortfall will have narrowed somewhat by mid-1978.

Footnotes at end of article.

In addition to the above similarities between present economic conditions and those in 1964, there are also several important differences. First, and perhaps foremost, the inflation rate is much higher in 1978 than it was in 1964. The consumer price index (CPI) increased only 1.3 percent in 1964 and had advanced an average of 1.24 percent per year for the first 5 years of the 1960's. In mid-1978, however, the CPI is advancing at an average annual rate of over 10 percent, and the average for the past 5 years is an annual rate of 7.7 percent. In the late 1970's inflation has become a very important, some argue the most important, economic policy concern. Since one of the potential impacts of a tax cut is to increase the inflation rate, this distinction between 1964 and 1978 is crucial.

A related difference between 1964 and 1978 is in interest rates. The three-month Treasury bill rate in 1964 averaged 3.5 percent; in June of 1978 the rate was 6.7 percent. As a measure of the rate on long-term borrowing, the interest rate on Aaa rated corporate bonds averaged 4.4 percent in 1964 and was 8.76 percent in June 1978. Interest rates are an important concern in structuring fiscal policy because, other things equal, higher interest rates will lead to lower investment and capital formation. A tax cut, particularly a large tax cut which is accompanied by a substantial increase in the Federal deficit, is likely to put upward pressure on interest rates.

A third major difference between 1964 and 1978, a difference related to the other dissimilarities, is the slow growth in capital investment in the current recovery. The growth in investment from 1975 to 1978 is lagging substantially behind the pattern of earlier postwar recoveries. Additional economic factors which are substantially different in 1978 from 1964, but which will not be described in detail, are the following: 1) the energy situation, which is regarded by some as a "crisis" in 1978 and was not a national problem in 1964, 2) the general confidence among individuals and businesses in the ability of Government policy to "manage" the economy, which was higher in 1964 than it is in 1978 (although quantification is obviously difficult), and 3) the size of the Federal deficit. Regarding the deficit, it amounted to $5.9 billion in 1964, or slightly less than 1.0 percent of GNP; in 1978 the deficit is estimated at approximately $55 billion or 2.7 percent of the anticipated 1978 GNP.

B. The success of the 1964 tax cut

The 1964 tax cut is widely regarded as a successful fiscal policy action. A vigorous upswing in consumer spending occurred after the tax cut, and this upswing was followed by an increase in business investment. The tax cut is estimated to have stimulated an increase in gross national product of approximately $20 billion over a 2- to 3-year period.[11] The unemployment rate declined to 4.5 percent in 1965 and 3.8 percent in 1966. These gains were accompanied by a rise in inflation; prices rose 1.7 percent in 1965 and 2.9 percent in 1966, up from the earlier levels of approximately 1.2 percent.

However, the rapid economic growth and generally favorable economic conditions in the mid-1960's cannot all, or perhaps even mostly, be attributed to the 1964 tax cut.[12] The economy had substantial upward momentum at the time the tax cut was adopted,[13] and shortly after its adoption the Vietnam War began accelerating (in mid-1965) and added considerably to the stimulative posture of the Federal budget. In fact, the growth in spending during this period was so rapid that by early 1966 the Administration proposed tax measures to restrain aggregate demand.[14] (See the discussion at the end of the next subsection)

C. "Feedback effects" of the 1964 tax cut were not unanticipated.

The advocates of the Kemp/Roth tax cut bill have argued frequently that the so-called "feedback effects" of the 1964 tax cut were completely unanticipated. To support this argument they have used a table purporting to show Treasury Department estimates of revenues losses, and actual revenue gains attributable to the 1964 tax cut. The table was first inserted in the Congressional Record in the 95th Congress on January 4, 1977, by Congressman Jack Kemp; the associated text and the table (subsequently referred to as the Kemp/Roth table) are as follows:

"Kennedy sent his proposals to Capitol Hill despite the simplistic and static analysis of Treasury' accountants, who assumed there would be no increase in GNP due to the tax cut, and projected sizable tax losses. Kennedy's Treasury Department projected 6-year revenue losses of a staggering $89 billion as a result of the 1962-1964 and 1965 tax cuts. Instead, revenues jumped upward by $54 billion over that period—a $143 billion total difference from what Treasury had projected. The reality is so dramatically different from the Treasury predictions that it warrants being looked at, year by year:

Year	1963	1964	1965	1966	1967	1968	Total
Treasury estimated revenue losses	−2.4	−5.2	−13.3	−20.0	−23.7	−24.4	−89.0
Actual revenue gains	+7.0	+6.0	+4.0	+11.0	+19.0	+4.0	+54.0

"Why were the Treasury predictions so far off? Because Treasury ignored the feed-back effects of tax rate changes on productive behavior." [15]

It is true that Department of Treasury revenue estimates do not generally take into account the so-called "feedback effects" of tax changes. However, this omission is not the explanation for the bulk of the difference, the difference is attributable to the fact that the numbers in the table are not comparable.

The data in the top line of the table show Treasury projections of the revenue costs of the tax cuts included in the Revenue Act of 1962, the Revenue Act of 1964, and the Revenue Act of 1965 (net of the excise tax increase in the Tax Adjustment Act of 1966).[10] The revenue loss line ignores the revenue raising provisions of the Revenue Acts during this time period (e.g., the acceleration of corporate payments under the Revenue Act of 1964 and the Tax Adjustment Act of 1966). Thus, the revenue loss estimates in the Kemp/Roth table are overstated. Additionally, the revenue loss estimates refer only to provisions affecting the individual income tax, the corporate income tax and the excise taxes.

The data in the second line of the Kemp/Roth table, labeled "actual revenue gains," show the annual growth in total receipts of the Federal Government, including all taxes and miscellaneous receipts, from 1962 to 1968. Of the $54 billion revenue gain from 1962 to 1968 reported in the Kemp/Roth table, only $32.9 billion came from income and excise taxes. Most of the remaining revenue gain was produced by social insurance taxes which were increased four times during this era.

The revenue loss and revenue gain figures in the Kemp/Roth table also are not comparable because they are estimates of different economic phenomena, as illustrated in Figure 3. The Treasury revenue loss estimates are not projections of the aggregate changes in revenue collections from year to year, but rather estimates of the changes in revenue collections from the trend line of what collections otherwise would have been each year without the tax legislation. In Figure 3, area A illustrates this revenue decrease from the pre-1962 trend of collections. The revenue gain estimates in the Kemp/Roth table refer to the total annual growth in Federal receipts during the same time period. Area B in Figure 3 illustrates this revenue increase from 1962 forward. Thus, the two lines of the table are not necessarily contradictory. The revenue gain line of the Kemp/Roth table shows actual growth in total Federal revenue each year; the revenue loss line shows estimates of how much higher income and excise tax collections would have been each year had specific provisions of the tax reduction legislation not been enacted. The only way that the two lines of the Kemp/Roth table would actually demonstrate a $143 billion error in the Treasury estimates is if the Treasury revenue loss estimates, in fact, were intended to project an absolute decline in Federal revenue, as illustrated by area C in Figure 3, rather than a decrease in revenue from trend line collections, which is clearly not the case.

The Kemp/Roth table has been mistakenly interpreted to imply that the so-called "feedback effects" of the 1964 tax cut were completely unanticipated and that revenue estimates by the U.S. Treasury concerning the economic effects of the 1964 tax cut were erroneous by staggering amounts. In fact, however, since the tax cut was passed as an economic stimulant, and more rapid economic growth produces higher Federal "revenue", the "feedback effects" were an integral part of the consideration of the tax cut. In proposing the tax cut President Kennedy, after tracing the anticipated effects on the overall economy made the following observations regarding tax revenue and the deficit:

"The impact of my tax proposals on the budget deficit will be cushioned by the scheduling of reductions in several stages rather than a single large cut; careful pruning of civilian expenditures for fiscal 1964—those other than for defense, space, and debt service—to levels below fiscal 1963; the adoption of a more current time schedule for tax payments of large corporations, which will at the outset add about $1½ billion a year to budget receipts; the net offset of $3½ billion of revenue loss by selected structural changes in the income tax; *most powerfully, in time, by the accelerated growth of taxable income and tax receipts as the economy expands in response to the stimulus of the tax program."* (emphasis added) [17]

The opening statement for debate on the tax cut bill by Representative Wilbur Mills, Chairman of the Ways and Means Committee, exhibited a similar logic:

"It is on the basis of this type of reasoning, Mr. Chairman, that I have reached the conclusion that this bill will provide a sufficient increase in the gross national product so that the larger revenues derived from this additional income will result in the Federal budget being balanced sooner than would be the case in the absence of this tax cut.

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"Mr. Chairman, *there is no doubt in my mind that this tax reduction bill in and of itself, can bring about an increase in the gross national product of approximately $50 billion in the next few years. If it does, these lower rates of taxation will bring in at least $12 billion in additional revenue.*" (emphasis added)[18]

Similar reasoning appeared in the statement of Senator Michael Mansfield, Senate Majority leader, in debate on the tax cut bill:

"Finally, although it may seem paradoxical, history has shown that the right kind of tax cut will help to eliminate the deficit in the Federal budget.

". . . *a tax cut should act to reduce future Federal Budgetary deficits by increasing overall revenues.* This is apparent from our own most recent experience with a Federal tax cut which 2 years later increased revenues more than $3.4 billion, or 5 percent, over what they were in the year prior to the tax cut. It is substantiated as well by the experience of other nations which have successfully used the same technique. *The increase of revenue is derived from the fact that a nation's income-tax receipts are dependent almost entirely on the rate of economic activity. Even though lower tax schedules may be applied to economic activity, the increase in overall activity stimulated by the tax cut eventually produces greater overall revenues.*" (emphasis added)[19]

It appears in retrospect that the expectations of Mr. Mills and Senator Mansfield were too great, but their statements clearly document the anticipation of feedback effects from the tax cut. Treasury Department estimates of the magnitude of the feedback effects from the 1964 tax cut were provided by Senator Russell Long in his statement presenting the report of the conference committee of the Senate:

"In terms of fiscal year receipts this bill, before any simulative effect, is expected to result in a revenue reduction in the fiscal year 1964 to $1.6 billion, which is the same as the version which passed the Senate. However, in the fiscal year 1965 the conference agreement is expected to result in a revenue reduction from present law of $8.5 billion, or $425 million less than the version which passed the Senate. *This is without regard to the stimulative effect which the Treasury Department assures us this bill will have and which they have estimated in the fiscal year 1964 to be $200 million and in fiscal year 1965 to be about $4 billion.* In other words the Treasury Department anticipates that this bill in these 2 fiscal years will have an impact on the budget of only $1.4 billion in the fiscal year 1964 and $4.5 billion in the fiscal year 1965." (emphasis added)[20]

Some evidence of the actual versus anticipated revenue effects of the tax cut may be inferred from a comparison of projections of Federal revenues after the tax cut and actual Federal receipts. However, such an inference is necessarily tenuous because of the other important economic forces at work during this period. The Budget Message of the President for fiscal year 1965, transmitted on January 21, 1964, contains the following reference to the anticipated tax cut and estimates of Federal tax receipts after the tax cut:

"As the tax reduction takes full effect, its stimulus to private consumption and investment will shrink the $30 billion gap between the Nation's actual and potential output, and provide approximately 2 million additional jobs for the unemployed and the new workers entering the labor force. As economic activity expands, and personal and business incomes increase, Federal revenues will also rise. The higher revenues, combined with continuing pressure for economy and efficiency in Federal expenditure programs, should hasten the achievement of a balanced budget in an economy of full prosperity."

RECEIPTS FROM THE PUBLIC[1]

[Fiscal years; in billions]

Source	1963 actual	1964 estimate	1965 estimate
Administrative budget receipts:			
Individual income taxes	$47.6	$47.5	$48.5
Corporation income taxes	21.6	23.7	25.8
Excise taxes	9.9	10.2	11.0
Other	7.3	7.0	7.7
Total, administrative budget receipts	86.4	88.4	93.0

[1] The Budget of the United States Government for the fiscal year ending June 30, 1965, U.S. Government Printing Office, Washington, D.C., 1964 p. 13.

Actual collections of individual income taxes in 1964 equalled $48.7 billion, and thus exceeded the projection by $1.2 billion. Actual 1964 corporate income tax collections were $0.2 billion less than the projection.

The Budget Message of the President for fiscal year 1966, transmitted on January 25, 1965, provides an additional reference to the 1964 tax cut, the second stage of which had just occurred and includes a revised projection of Federal tax receipts:

"The Revenue Act of 1964 has played a major role in widening and strengthening our prosperity. At the beginning of this month, the second stage of the rate reductions provided under the Act became effective. In total, last year's tax law will decrease consumer and business tax liabilities by about $14 billion in the current calendar year."

RECEIPTS FROM THE PUBLIC[1]

[Fiscal years. In billions]

Source	1964 actual	1965 estimate	1966 estimate
Administrative budget receipts:			
Individual income taxes	$48.7	$47.0	$48.2
Corporation income taxes	23.5	25.6	27.6
Excise taxes	10.2	10.7	9.8
Other	7.1	7.9	8.8
Total administrative budget receipts	89.5	91.2	94.4

[1] The Budget of the U.S. Government for the fiscal year ending June 30, 1966, U.S. Government Printing Office, Washington 1965, p. 12.

Thus, despite higher than anticipated individual income tax collections in 1964, official estimates for 1965 tax collections had been revised downward from the previous year, and, in fact, showed an anticipated decline in individual income tax collections in 1965. This decline did not materialize. Individual income tax collections actually increased by about $100 million in 1965, while corporate income tax collections were very close to the projected level. Both individual and corporate income tax receipts were substantially higher than anticipated in 1966. Individual and corporate income tax collections in fiscal years 1965 and 1966 were as follows:

[Billions of dollars][1]

	Fiscal years	
	1965	1966
Individual income taxes	$48.8	$55.5
Corporation income taxes	25.5	30.1

[1] Source: 1970 Economic Report of the President, U.S. Government Printing Office, Washington, D.C., 1970. Table C-62, p. 250.

Unanticipated events, largely associated with the build-up of the Vietnam War effort, caused accelerated economic growth during this period and even led to the application of policies of economic restraint during 1966. Reference to these events was included in the opening paragraphs of the 1967 Report of the Council of Economic Advisors as follows:

"By any standard, then, 1966 was a big year for the economy. Gross national product (GNP) expanded by a record $58 billion in current prices and reached $740 billion. As in the 2 preceding years, a major advance in business fixed investment was a key expansionary force. And the rising requirements of Vietnam added $10 billion to defense outlays. State and local spending and inventory investment also rose strongly.

"As a result, 1966 was in some respects too big a year, especially in the early months. Spurred by the defense buildup, total demand—public and private—forged ahead at an extraordinarily rapid rate in late 1965 and early 1966. Strains developed in financial markets. Demand outstripped supply in several sectors which were already near full utilization. As Chapter 2 explains, many of the new orders simply added to backlogs and put upward pressures on prices. Some of the excess demands were met by imports, reducing the U.S. foreign trade surplus and retarding progress toward equilibrium in the balance of payments, as Chapter 5 indicates.

"After years of stimulating demand, policy was called upon to restrain the economy. The need for restraint was recognized at the start of the year. Monetary policy assumed a restrictive stance. In antcipation of large increases in private expenditures and defense outlays, tax policies were applied to curb private demand. In 1964 and 1965, an expansionary tax policy had stimulated the economy; but in March 1966, restrictive tax changes were enacted at the President's request. Excise tax cuts were postponed, and income tax payments were accelerated. Moreover, the President's budget program in January stringently held down nondefense outlays. These measures produced a Federal surplus in the national income accounts budget and a net restrictive fiscal impact in the first half of 1966 despite the strong advance in defense spending." [21]

Thus, the "feedback effects" of the 1964 tax cut were not unanticipated; in fact, they were an integral part of the consideration of the tax cut in Congress. While the tax receipts forecasts of the period were less than perfect, and revenues were affected by other economic developments (largely the Vietnam War), it is clear that the feedback effects were not of a different order of magnitude than were anticipated by the Treasury.

D. Magnitude of the "feedback effects" of the 1964 tax cut

Despite the central position of the 1964 tax cut in modern fiscal policy discussion, relatively little careful analysis of its economic effects has occurred.[22] In an effort to remedy this shortcoming, and to contribute to our knowledge of fiscal policy actions over the past 15 years, the Congressional Research Service, the House Budget Committee, and the Joint Economic Committee are participating in a combined research effort to measure the economic effect of countercyclical policy during the 1960's and 1970's. As a part of that effort, Data Resources, Inc. and Wharton Econometric Forecasting Associates, Inc., two of the nation's leading econometric research organizations, have been retained to analyze the fiscal policy actions during this era using their econometric models and employing methodology jointly agreed upon. This project will not be completed for several months; however, the two econometric serv-

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ices have produced preliminary reports regarding their analyses of the 1964 tax cut.[23] Both studies find that the so-called "feedback effect" of the 1964 tax cut was relatively small, and not nearly large enough to offset the original revenue loss from the tax cut. The Wharton preliminary report articulates this finding as follows:

. . . after the stimulative effects of the tax cut have worked their way through the economy, the reduction in personal taxes is estimated at about $8.3 billion in Calendar Year 1964 and rises to near $11 billion in 1967. But this estimated revenue loss includes the additional revenues collected as a result of the higher level of personal income. The personal income increase, resulting from the tax cut, rises to nearly 20.0 billion by 1967. At an average tax rate of about 10.4 percent, this represents $2.0 billion dollars in additional collections at the post-tax cut rates. Without this additional revenue, the tax cut would have reduced collections by nearly $13.0 billion in 1967. For 1965, at an average tax rate of 9.75 percent, this increased revenue is only $0.75 billion." [24]

The preliminary estimates of the net revenue cost of the 1964 tax cut (after feedback effects) by the two econometric studies are as follows:

	1964	1965	1966	1967
ndividual income tax:				
DRI	−7.1	−10.4	−11.4	
Wharton	−8.3	−10.7	−10.9	−10.9
Corporate income tax:				
DRI	−1.7	−3.4	−4.0	
Wharton	.6	−.1	−.2	−2.5

These results are dependent, of course, on the particular structures of the econometric models which produced them. These structures are elaborate combinations of economic theory and extensive estimations of economic relationships based on historical data. As such, the models are neither right nor wrong, in the traditional sense, but are approximations of the actual operations of the economy. The degree of accuracy of the approximations varies with the economic phenomenon being studied, the time period, and the model. The proponents of the Kemp/Roth bill have criticized the structure of virtually all of the present major econometric models of the U.S. economy, including the DRI and Wharton models, for a failure to capture the effects of changing government policy, especially tax policy, on "supply side" economic effects, specifically incentives to work, save and invest. This general criticism is addressed in the next subsection of this paper.

The incentives argument has been used specifically with regard to the effects of the 1964 tax cut, claiming that the tax cut provided a gigantic boost to the economy through supply side effects resulting from stronger incentives to work, save, and invest and that these effects are not portrayed in the econometric models. Walter Heller, Chairman of the Council of Economic Advisors under President Kennedy and major author of the 1964 tax cut, has responded to this claim as follows:

"Contrary to their assertion that the Kennedy-Johnson tax cut achieved its economic stimulus and consequent revenue flows 'by increasing aggregate supply, by increasing the reward to work and investment,' the record is crystal clear that the great bulk of the success of the 'great tax cut' that was phased in during 1964–65 came, as expected, from its stimulus to demand, its release of some $10 billion of consumer purchasing power and another $3 billion or so of corporate funds.

"A great leap forward on the supply side would have to show up in a big jump in trend productivity increases and in the growth of GNP potential. The Kennedy tax program—including both the 1964 tax cuts and the 1962 investment tax stimulants in the form of the investment tax credit and liberalized depreciation guidelines—did in fact improve investment and work incentives and contribute to good, sustained growth in productivity. But no sudden bulge in productivity and potential has been found by any close student of the subject." [25]

E. The "Laffer Curve" and supply side fiscal response

The general contention that a sizeable tax cut will have large supply side effects through stronger incentives to work, save, and invest has most often been voiced by the Kemp/Roth proponents through reference to the so-called "Laffer Curve," named for its originator, Professor Arthur Laffer of the University of Southern California. The most extensive presentation of the Laffer Curve has been made by Jude Wanniski in an article in The Public Interest, an extensive excerpt of which follows:

"When the tax rate is 100 percent, all production ceases in the money economy (as distinct from the barter economy, which exists largely to escape taxation). People will not work in the money economy if all the fruits of their labors are confiscated by the government. And because production ceases, there is nothing for the 100-percent rate to confiscate, so government revenues are zero.

"On the other hand, if the tax rate is zero, people can keep 100 percent of what they produce in the money economy. There is no governmental "wedge" between earnings and after-tax income, and thus no governmental barrier to production. Production is therefore maximized, and the output of the money economy is limited only by the desire of workers for leisure. But because the tax rate is zero, government revenues are again zero, and there can be no government. So at a 0-percent tax rate the economy is in a state of anarchy, and at a 100-percent tax rate the economy is functioning entirely through barter.

"In between lies the curve. If the government reduces its rate to something less than 100 percent, say to point A, some segment of the barter economy will be able to gain so many efficiencies by being in the money economy that, even with near-confiscatory tax rates, after-tax production would still exceed that of the barter economy. Production will start up, and revenues will flow into the government treasury. By lowering the tax rate, we find an increase in revenues.

"On the bottom end of the curve the same thing is happening. If people feel that they need a minimal government and thus institute a low tax rate, some segment of the economy, finding that the marginal loss of income exceeds the efficiencies gained in the money economy, is shifted into either barter or leisure. But with that tax rate, revenues do flow into the government treasury. This is the situation at point B. Point A represents a very high tax rate and very low production. Point B represents a very low tax rate and very high production. Yet they both yield the same revenue to the government.

"The same is true of points C and D. The government finds that by a further lowering of the tax rate, say from point A to point C, revenues increase with the further expansion of output. And by raising the tax rate, say from B to point D, revenues also increase, by the same amount.

"Revenues and production are maximized at point E. If, at point E, the government lowers the tax rate again, output will increase, but revenues will fall. And if, at point E, the tax rate is raised, both output and revenue will decline. The shaded area is *the prohibitive range for government,* where rates are unnecessarily high and can be reduced with gain in *both* output and revenue." [26]

Laffer Curve adherents, including Professor Laffer, argue that the United States is now in the "prohibitive range" of taxation. This claim and the above description are the rationale for arguing that the Kemp/Roth tax cut, or presumably any tax cut, would increase Government revenue rather than reduce it.

The Laffer Curve obviously has a certain amount of intuitive appeal. However, it is also an overly simplistic approach which ignores very complex economic relationships, and therefore falls considerably short of providing information directly relevant to policy formulation. A brief analytical review of the concept is provided below in outline format.

1. Central to the Laffer Curve is the notion that there is something which can be called a "tax rate" for the overall economy, and that for each tax rate a given amount of tax revenue will be raised. But what is this tax rate? There are literally hundreds of different taxes imposed by the Federal Government and State and local governments; they apply to personal income, corporate income, wages, sales, property, and myriad other tax bases. Their structures vary; some are flat-rate taxes; some have elaborate exemptions and deductions. It is impossible for one tax rate to characterize this complex tax structure in the U.S.

Even if one decided to use one effective tax rate—say total tax revenue divided by GNP, or total personal taxes divided by personal income—major oversimplification would still be a problem. The association of a single amount of revenue with each tax rate implies that the type of tax mechanism used to raise the revenue is irrelevant; i.e. whether the tax is imposed on consumption, or wealth, or income, or only income from capital, and whether the tax is regressive, proportional, or progressive do not matter in determining the economic effects of the tax and the revenue it will yield. The Laffer Curve implies all that matters is the undefined "tax rate." However, this is an oversimplification which is contradicted by virtually all of public finance analysis, and, indeed, is also contradicted by other arguments offered by the Laffer Curve adherents (see point 7 below).

2. The Laffer Curve represents a gross simplification of a major portion of macroeconomics into a single curved line. Countless books and articles have been written to conceptualize, identify, and measure the impact of taxation and fiscal policy on the U.S. economy, and despite all of this effort and research there are still many important issues which are unresolved. However, it is known that the effect of a tax cut or tax increase on the economy, and in turn on tax revenues, depends on a multitude of factors and their complex interrelationships. These factors include the level of employment and unemployment, the level of capacity utilization, the level of investment, interest rates, inflation rates, the savings rate, the posture of monetary policy, levels of consumer and business confidence, the size of the Federal deficit, the budget position of State and local governments, and the level of the foreign trade balance, to name only a few. Additionally, for many variables—for example capacity utilization and investment—it is important to view them both in the aggregate and disaggregated by economic sector and region. Also, since economic phenomena are dynamic, it is important to know the trends of the economic indicators as well as their levels; a 6 percent

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unemployment rate does not mean the same thing if the trend is upward as if the trend is downward.

All of these factors and many more are involved in understanding and assessing the potential economic impact of a tax cut. To subsume all of these economic effects into a single line on a graph is to ignore much of the substance of responsible tax policy.

3. The notion behind the Laffer Curve depends almost entirely on the response of work, savings, and investment behavior to levels of taxation. The assertion is that higher taxes lead to reduced incentives and lower levels of economic activity; lower taxes increase incentives and economic activity. The Laffer Curve asserts that as taxes are increased from 0 to 100 percent, at some point the effect on tax revenue of the diminished economic activity overwhelms the effect of the higher tax rates, and tax revenue begins decreasing rather than increasing. This assertion is no doubt true, but because the Laffer analysis concentrates on economic responses at or near the end points—tax rates of 0 and 100 percent—it is not very relevant. The relevant issue is the incentive effect of small tax rate changes within the range of feasible alternatives to present policy. Analysis of these incentive effects is much more complex and leads to different conclusions, than suggested by the Laffer Curve.

The Laffer Curve ignores the fact that, within the relevant range of policy alternatives, tax rate changes induce two reactions, an income effect and a substitution effect, which tend to offset each other. Richard and Peggy Musgrave, in their well known public finance textbook, describe and assess these factors with regard to work effort as follows:

"With regard to labor, we shall find that introduction of an income tax need not reduce hours of work. To be sure, the tax results in a reduction in the net wage rate. This makes work less attractive relative to leisure and induces workers to work less (the so-called substitution effect). But a tax also makes them poorer, so they tend to feel that they cannot afford as much leisure and must work more (the so-called income effect). Depending on which consideration carries more weight, effort may rise or fall. Such empirical evidence as is available gives little support to either hypothesis but suggests that labor supply to the economy as a whole is fairly inelastic to the wage rate." [27]

And further in a later passage:

"If the labor supply schedule is upward-sloping, as most textbooks draw it, the negative substitution effect outweighs the positive income effect; if the schedule is backward-sloping, the opposite response occurs.

"Historically, it is evident that rising wage rates have been accompanied by reduced hours of work, i.e. a substantial part of the gains from productivity growth has been directed into increased leisure. Although this does not prove that the short-run supply schedule of labor is backward-sloping (in which case taxation would raise, rather than lower, the amount of labor supplied), it should not be readily assumed that an income tax must reduce effort. While we all seem to know someone who has been discouraged by taxation and has worked less, most of us seem to respond by working more.

"As noted before, much depends on the rate schedule. A person will work less under a progressive than under a proportional rate schedule, if the same amount is drawn from him in both cases. Yet, work effort for taxpayers as a group need not be lower under a progressive schedule. The net effect depends on how wage earners at various points on the income scale respond. Earners at the upper end (where rates will be higher than under a proportional tax of equal yield) have more flexibility in hours worked but may also be less responsive to changes in the net wage rate, since other forms of motivation (prestige, interest in work, etc.) may dominate. Employees at the lower end of the scale have less flexibility in their work effort responses and also face lower marginal rates of income tax. The most serious problem of disincentive to work may well occur below the income tax range where welfare policies are such as to imply high marginal rates of tax on earned income." [28]

The discussion in the Musgraves' textbook on the effects of taxation on savings and investment behavior is reproduced as an appendix to this section as an illustration of the complexity of issues ignored by the Laffer Curve approach. The Musgrave analysis reveals that the effect of the income tax on household saving and on investment is uncertain; the effect on business saving, however, is negative assuming the corporate income tax is borne by capital. Some recent econometric research concludes that the impact of the tax structure on the rate of savings is more significant than has been previously thought,[29] but even these new results are of a small magnitude compared to that required to support the Laffer Curve hypothesis. Thus, the notions of the effects of taxation on incentives embodied in the Laffer Curve are considerably oversimplified and exaggerated.

4. By concentrating primarily on incentive and supply side effects, the Laffer Curve largely ignores the actual mechanism by which fiscal policy exerts its biggest and most immediate impact—demand side effects. The most immediate impact of a tax cut is that individuals and businesses have more disposable or after tax income. The largest percentage of this after tax income will be spent rather rapidly, thus raising aggregate demand in the economy. If there are unemployed workers and idle productive resources, this higher aggregate demand will lead to more jobs and higher GNP; if unemployment is slight and there is little idle capacity, the increased demand will be inflationary and destabilizing.

Thus, the timing of a tax cut is very important. However, the Laffer Curve analysis does not include an explicit consideration of the state of the economy at the time of a tax cut. It asserts that we are in the "prohibitive range" of taxation, and offers the faith that supply side effects will create the capacity for higher output and the incentives for higher work effort. However, capacity creating investment is not planned, financed, and constructed overnight; it takes years. But the demand side effects of a tax cut are immediate, reaching full effect within a few calendar quarters. Therefore, the effects of a susbtantial tax cut enacted when excess capacity is low, based on Laffer-type faith, would be a rapid increase in demand, which would quickly accelerate price increases and raise interest rates, thus choking off the hoped for increase in investment.

5. Professor Laffer and the adherents to his concepts claim that the United States is presently in the "prohibitive range" of the Laffer Curve, i.e. that the "tax rate" is so high and stiffling of incentives that an across-the-board tax cut would actually increase revenues rather than reduce them. However, there is virtually no evidence to support this assertion. If this assertion were true one would expect effective tax rates to have risen dramatically in the U.S. in recent years; however Federal taxes as a percentage of CNR or personal income have remained virtually constant over the last quarter century.[30] If this assertion were true one might also expect to find that the U.S. tax burden considerably exceeds that of the other developed countries of the World; however, total taxes in the U.S. as a percent of GNP are lower than the average for the OECD countries. Some countries which have higher productivity growth than the U.S., for example Germany and Sweden, also have higher overall tax burdens.

For a tax cut to be self-financing, its impact on the economy would have to be so large that the new tax revenue generated would more than compensate for the original revenue loss. Total Federal taxes in the U.S. claim roughly 20 percent of GNP. Thus, for a tax cut to increase Federal revenues, rather than add to the deficit, it would have to increase GNP by a multiple of 5 times its original size or more. No analysis of fiscal policy in the U.S. economy has concluded that such a high multiplier for an overall tax cut is possible. The major econometric models of the U.S. economy all have multiplier effects for various fiscal policies which range from about 1.3 to 2. Therefore, a tax cut will reduce tax revenue by about 60 percent to 75 percent of the original amount of the reduction, with the remainder replaced by revenue from the feedback effect.[31]

Thus, despite the other beneficial effects, one inevitable result of a tax cut with undiminished spending is an increase in the deficit.

6. Part of the intuitive appeal of the Laffer Curve derives from the interpretation of point E on the curve. This point is the crossover point to the "prohibitive range" of the Laffer Curve where incentives are so bruised that higher taxes yield lower revenues. It is also claimed to be the point at which the electorate desires to be taxed, in other words, an optimal size for government at which just the right amount of public services is provided. It is an easy deductive leap from the asserted coincidence of these two points to conclude that if governments becomes only slightly larger than the electorate would prefer, then we enter the prohibitive range and taxation becomes oppressive.

However, there is no reason to believe that these two points are the same. The desired level of government services in the U.S. is not determined by raising taxes until higher tax rates produce lower revenues; if so tax rates would undoubtedly be much higher than presently. The desired level of government in this country is determined through the political process, and there is nothing which suggests that the size of government produced by that process is the maximum possible which can be imposed without suppressing productive enterprise. In fact, the overwhelming evidence is to the contrary. In the United States the determinants of the optimal size of government have more to do with the desire for personal freedom and a preference for private production of goods and services, than with diminishing returns from higher levels of taxation. Thus, the optimal size of government in this country is probably very small compared to point E on the Laffer Curve, and the relatively small variations in government size around the optimal point which result from the political decision making process do not currently appear to run the risk of entering the "prohibitive range" of taxation on the Laffer Curve.

7. The Kemp/Roth advocates have contributed an important observation regarding the effect of taxation on incentives. Recently, considerable attention has been focused from many quarters on the effect of taxation on capital formation and incentives to invest. However, the Kemp/Roth proponents have added to this discussion the observation that the individual income tax has become more of a general economic disincentive over the past 13 years because taxpayers have been pushed into increasingly higher marginal tax brackets.

As a general principle, a tax with lower marginal tax rates is less destructive of economic incentives, and therefore more efficient in an overall economic sense (i.e. it imposes less of a cost on society as a whole), than a tax with higher marginal tax rates. Of course, two equal-revenue income

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taxes with different marginal tax rate schedules will not be exact substitutes because they will not distribute the tax burden in precisely the same manner; the tax with the lower marginal rates will require a larger tax base, either by virtue of having a smaller standard deduction and personal exemptions, or by having a broader tax base with fewer or smaller itemized deductions and exclusions.[32]

However, it is possible to design an income tax with somewhat lower marginal tax rates and only a moderately larger tax base. Specifically, when a tax cut is being considered for fiscal policy reasons, the tax cut can be accomplished by lowering the tax rates, or by increasing the size of the standard deduction, personal exemptions, or general tax credit. Depending on which mechanism is chosen, the distribution of the overall tax burden after the tax cut will be somewhat different, but not greatly so (obviously depending on the size of the tax cut).[33] Over a lengthy period of time, as inflation and increases in real income push taxpayers into over higher tax brackets, the choice of tax cut mechanism can make a substantial difference in the distribution of the tax burden and in the marginal tax rates faced by taxpayers.

The last tax cut in the United States which was achieved by reducing the marginal tax rates was the 1964 tax cut.[34] In the intervening years there have been several tax reductions affecting the individual income tax (in 1969, 1971, 1975, 1976, and 1977), but all have been accomplished by increasing the standard deduction or the personal exemption, or by creating new devices such as the general tax credit or the low income allowance.

However, these changes have not been sufficient to prevent a general movement of taxpayers into higher tax brackets, and since the tax rates have remained constant, the marginal rates experienced by many taxpayers have increased. This phenomenon is documented in Table 5 which classifies tax returns by tax bracket for 1965 (the year the 1964 tax cut became fully effective) and 1975 (the last year for which data are available). The data are displayed graphically in Figure 4. As the table and figure reveal, there has been a clear and substantial upward movement of taxpayers into higher marginal tax rate brackets (the movement would be even more substantial by 1978). For example, in 1965 only 19 percent of taxpayers faced a marginal tax rate higher than 20 percent, and only 7 percent had marginal rates of 25 percent or higher; in 1975 these percentages were 53 percent and 29 respectively.[35] This implies that substantially larger numbers of taxpayers are now in the upper rate brackets in which the marginal tax rate may begin to erode economic incentives. In this regard it is significant that both the Kemp/Roth bill and the 1978 tax cut proposal by President Carter would reduce taxes by an across-the-board reduction in tax rates rather than by further changes in the standard deduction or personal exemption.

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III. A SUMMARY OF THE ECONOMETRIC ANALYSES OF THE KEMP/ROTH TAX CUT BILL

This section summarizes the results of three studies of the prospective economic impact of the Kemp/Roth bill using the econometric models of Data Resources, Inc.,[36] Wharton Forecasting Associates, Inc.,[37] and Chase Econometric Associates, Inc.[38] The DRI and Wharton simulations were performed by the Congressional Research Service; the Chase analysis was conducted by Chase Econometric Associates for Congressman Kemp and Senator Roth.[39]

To some extent the results of the studies are a lesson in the uncertainties of using the econometric models as much as they are indications of the prospective economic impacts of the Kemp/Roth bill.

The results of the three studies differ, in some instances substantially, for several reasons. First, the results of each study are obviously dependent on the structure of the econometric model employed; because the models differ, the results will also differ. This problem is intensified by the magnitude of the Kemp/Roth tax cut. The econometric models all produce somewhat similar results for moderate changes in policy and short-term projections.

However, they are not especially well suited for analyzing the implications of dramatic policy changes, especially over long time periods. Sizeable policy shifts may push models into unrealistic ranges where their structural differences are significant; for example the models differ in their response to policies that would reduce unemployment to unrealistically low levels. Second, the models produce different forecasts of the path of the economy in the absence of a tax cut. Since the impact of a tax cut is dependent on the state of the economy, the models will obviously yield different impact estimates if they project different growth paths (e.g., a "growth recession" versus continued moderate growth). Third, the assumptions employed in the analyses differ.

The assumed size of the Kemp/Roth tax cut in the DRI and Wharton studies is the same as indicated in section I of this paper; however, the size of the tax cut in the Chase simulations is much smaller, rising to only 20 percent in the third year rather than 33 percent.[40] Additionally, the Chase simulation implicitly reduces real Government spending as the tax cut is phased in because in the Chase model nominal Government expenditures are held constant rather than real spending.

The results reported below compare the projected economic impact of the Kemp/Roth tax cut to economic projections assuming no tax cut in 1978–79 and to alternative projections assuming adoption of a moderate tax cut in 1978 resulting from President Carter's proposals in January. In addition to other differences in the assumptions, the comparative simulations also assume different sizes for the Carter tax cut. The DRI simulation assumes a Carter tax cut of $13.3 billion in the individual income tax plus a reduction of the corporate tax rate to 46 percent and an increase in the effective rate of the investment tax credit from 9 percent to 12.5 percent. The Wharton simulation assumes an aggregate tax cut to $26 billion affecting individual and corporate income taxes. The Chase projection assumes a $32 billion aggregate tax cut.[41]

A. Gross national product

Table 6 displays the results of the econometric simulations regarding levels of real GNP and the growth rate of real GNP. Generally, the results imply that the Kemp/Roth bill would have a sizeable positive impact on real GNP which would peak in the early 1980's and dissipate by the late 1980's. The Wharton simulation shows a more lasting impact of the tax cut on real GNP, but all of the projections show the increase in the real GNP growth rate disappearing or turning negative by 1987. The Chase impact estimates are smaller than the others because the Chase simulated tax cut is smaller and is accompanied by a reduction in real Government spending.

B. Unemployment rate and employment

Table 7 reports the output of the simulations regarding the unemployment rate and the total level of employment. Again, the results generally imply a substantial favorable impact of the Kemp/Roth bill which would peak in the early 1980's and dissipate in the later 1980's. The Wharton simulation shows a more sizeable lasting effect on the unemployment rate (total employment was not simulated in the Wharton Study) and the Chase impact estimates are somewhat smaller than the other two.

Footnotes at end of article.

TABLE 5.—TAX RETURNS CLASSIFIED BY HIGHEST MARGINAL RATE AT WHICH TAX WAS COMPUTED, 1965 AND 1975

Tax bracket (marginal tax rates)	Percent of taxable returns classified by highest marginal rate at which tax was computed			
	1965		1975	
	Percent of taxable returns	Cumulative percent	Percent of taxable returns	Cumulative percent
14 percent	12.3	12.3	6.6	6.6
15 percent	11.2	23.5	5.2	11.9
16 percent	11.7	35.2	6.1	17.9
17 to 18 percent	12.6	47.8	6.7	34.6
19 to 20 percent	33.4	81.2	22.2	46.8
21 to 24 percent	11.9	93.1	24.2	71.0
25 to 29 percent	4.9	98.0	20.3	91.3
30 to 39 percent	1.0	99.0	6.3	97.6
40 to 49 percent	.38	99.4	1.3	98.9
50 to 59 percent	.46	99.9	.9	99.8
60 to 70 percent	.06	99.9	.3	100.0

Note: The data in the table are for returns with taxable income; these returns as a percent of total tax returns and in comparison to total population have remained fairly constant between 1965 and 1975.

Source: Author's calculations based on data in Internal Revenue Service, Department of the Treasury, Statistics of Income, Individual Income Tax Returns, for years 1965, 1975.

TABLE 6.—PROJECTED IMPACT OF KEMP/ROTH TAX CUT BILL ON REAL GNP AND REAL GNP GROWTH RATE, 1978–87

	1978	1979	1980	1982	1987
Percent change in real GNP (1972 dollars):					
Compared to no tax cut:					
DRI	1.1	2.8	4.9	6.0	0.2
Wharton	1.5	2.9	4.8	6.0	7.1
Chase	.4	1.2	2.4	2.7	1.5
Compared to Carter tax cut:					
DRI	.9	2.1	3.9	5.3	−.5
Wharton	.9	2.4	3.9	4.0	3.4
Chase	.2	.1	0	.5	−.4
Percentage point change in growth rate of real GNP:					
Compared to not tax cut					
DRI	1.2	1.7	2.1	.1	.7
Wharton	1.5	1.5	1.8	.8	−.1
Chase	.4	.9	1.2	−.3	.0
Compared to Carter tax cut:					
DRI	1.0	1.2	1.8	.3	−.7
Wharton	.9	1.6	1.5	.2	−.4
Chase	.3	−.1	−.1	.3	0

Special caution must be exercised in interpreting these employment projections. Both the DRI and Wharton projections imply overall unemployment rates below 4 percent in the 1980's, with the rate in the Wharton projection reaching a low of 2.1 percent. Most economists would argue that there is some minimal level of structural unemployment [42] which cannot be further reduced by fiscal policy measures. The actual unemployment level associated with this "full employment" condition is the subject of some debate, but it is widely regarded to be between 4.5 and 5.5 percent. The econometric models do not have structural characteristics which prevent them from projecting unemployment rates below this range. Therefore, results such as those in the table would normally call for external adjustments of the simulations to produce more realistic forecasts. Since the purpose of these analyses was not an actual forecast, but rather a comparative impact simulation, such external adjustments were not made. However, it is important in interpreting the results to note that the impact of the Kemp/Roth bill on employment and unemployment would most likely be smaller than shown in Table 7, and consequently the impact on inflation would probably be larger.

C. Inflation

Table 8 shows the econometric projections of the impact of the Kemp/Roth tax cut on the consumer price index. In general, the results imply that the proposal would gradually increase the inflation rate with a substantial acceleration by the mid 1980's; by 1987 prices would be at least 10 percent higher, and the annual rate of inflation would be in excess of 1.5 percentage points higher than without the Kemp/Roth tax cut. The Wharton results indicate that the inflation rate would decline somewhat in the early years of the simulation but accelerate thereafter. The Chase simulation shows a smaller inflation impact due to the smaller assumed tax cut and the implicit reduction in the level of real Government spending. Once again, it should be emphasized that the inflation impact estimates are likely considerably understated because the substantially higher levels of aggregate demand and production caused by the Kemp/Roth tax cut would push the economy beyond a condition of full employment early in the 1980's, and this condition is not fully reflected in the estimates.

D. Interest rates

Table 9 reports the results of the econometric simulations regarding two selected interest rates: the rate on AA-rated utility bonds and the rate on commercial paper. These interest rates, and others faced by business and consumers, are important determinants of levels of capital investment and consumption. The results imply that the Kemp/Roth bill would cause a gradual increase in interest rates over the next decade, and that by 1987 interest rates would most likely be 1¼ to 2 percentage points higher than otherwise.

E. Disposable personal income and the savings rate

Estimates of the impact of the Kemp-Roth bill on real disposable pesonal income and the rate of savings are displayed in Table 10. The DRI and Chase projections show a significant positive impact on real disposable personal income which peaks in the early 1980's and has diminished considerably by 1987; the Wharton estimates indicate a continuing increase throughout the period. All of the models project a sizeable increase in the savings rate peaking in the early 1980's. It should be noted that the savings rate increases projected in the models do not result from enhanced savings incentives caused by lower tax rates as discussed in the previous section. Savings in the models is a residual from disposable personal income and consumption. In the projections saving increases as a percent of income, because marginal consumption as a percent of marginal income is lower than total consumption as a percent of total income. To the extent that savings incentives would increase due to the lower marginal tax rates, the effect on the savings rate could be greater than shown in the estimates; on the other hand, to the extent that the models have overestimated the impact of the Kemp/Roth bill on the unemployment rate and underestimated the impact on inflation, the savings rate effect could be smaller.

TABLE 7.—PROJECTED IMPACT OF KEMP/ROTH BILL ON UNEMPLOYMENT RATE AND EMPLOYMENT, 1978-87

	1978	1979	1980	1982	1987
Percentage point change in unemployment rate:					
Compared to no tax cut:					
DRI	−0.3	−1.0	−1.7	−2.3	−0.1
Wharton	−.5	−1.1	−2.1	−3.3	−4.0
Chase	−.1	−.6	−.3	−1.7	−.9
Compared to Carter tax cut:					
DRI	−.3	−.7	−1.3	−2.0	.1
Wharton	−.3	−.9	−1.7	−2.4	−1.9
Chase	−.2	−.2	−.2	−.7	0
Change in employment (millions of persons):					
Compared to no tax cut:					
DRI	.3	1.1	2.0	3.3	.3
Chase	.2	.7	1.4	2.2	1.1
Compared to Carter tax cut:					
DRI	.3	.9	1.7	2.9	−.2
Chase	.5	.5	.5	1.0	.2

TABLE 8.—PROJECTED IMPACT OF KEMP/ROTH BILL ON CONSUMER PRICE INDEX (CPI) AND ANNUAL RATE OF INCREASE IN CPI, 1978-87

	1978	1979	1980	1982	1987
Percent change in Consumer Price Index (CPI):					
Compared to no tax cut:					
DRI	0	0.3	0.8	3.6	13.3
Wharton	−.2	−.4	−.4	1.1	10.4
Chase	0	0	.3	1.8	6.8
Compared to Carter tax cut:					
DRI	0	.2	.6	3.1	12.1
Wharton	−.1	−.3	−.2	1.4	10.7
Chase	.1	.3	.6	1.2	3.3
Percentage point change in annual rate of increase in CPI:					
Compared to no tax cut:					
DRI	0	.3	.6	1.8	1.6
Wharton	−.2	−.2	0	1.0	1.7
Chase	0	0	.2	1.0	.7
Compared to Carter tax cut:					
DRI	0	.2	.5	1.6	1.5
Wharton	−.1	−.2	.1	1.1	1.6
Chase	.1	.2	.4	.3	.2

TABLE 9.—PROJECTED IMPACT OF KEMP/ROTH TAX CUT BILL ON INTEREST RATES, 1978-87

	1978	1979	1980	1982	1987
Change in interest rate on AA-rated utility bonds (in basis points):					
Compared to no tax cut:					
DRI	−12	2	31	175	228
Chase	4	17	42	113	116
Compared to Carter tax cut:					
DRI	−9	−4	8	134	192
Chase	−3	7	19	40	34
Changes in interest rates on commercial paper (in basis points):					
Compared to no tax cut:					
Wharton	5	27	50	92	176
Chase	15	50	102	188	128
Compared to Carter tax cut:					
Wharton	3	19	43	73	136
Chase	−1	17	43	81	79

TABLE 10.—PROJECTED IMPACT OF KEMP/ROTH TAX CUT BILL ON REAL DISPOSABLE PERSONAL INCOME AND THE SAVINGS RATE, 1978-87

	1978	1979	1980	1982	1987
Percent change in real disposable personal income:					
Compared to no tax cut:					
DRI	2.1	4.7	7.6	9.1	4.4
Wharton	2.6	5.1	8.3	10.7	15.8
Chase	1.1	2.7	4.6	5.9	5.2
Compared to Carter tax cut:					
DRI	1.8	3.9	6.9	8.6	3.9
Wharton	1.5	4.2	7.0	7.5	10.1
Chase	.8	.6	1.4	1.9	1.1
Percentage point change in savings rate:					
Compared to no tax cut:					
DRI	.7	1.1	1.4	.8	.3
Wharton	.8	1.3	1.7	1.3	1.4
Chase	.6	1.1	1.8	1.8	1.7
Compared to Carter tax cut:					
DRI	.5	1.0	1.4	.8	.5
Wharton	.5	1.1	1.5	.7	.9
Chase	.4	.2	.6	.6	.4

F. Investment

Table 11 shows projections of the impact of the Kemp/Roth bill on real nonresidential and residential investment; the models produce substantially different results for these variables. Compared to no tax cut the models all show the bill having a sizeable positive impact on real fixed nonresidential investment; DRI and Chase show the impact diminishing by the late 1980's, Wharton shows the effect continuing. Compared to the Carter tax cut, however, all three models show the Kemp/Roth bill having a negative impact on nonresidential investment by 1987; the DRI and Wharton simulations show a positive impact through the early 1980's; the Chase projection shows a minimal impact throughout the period.

The three models differ the most with regard to the impact of the bill on investment in residential structures (this component of investment is notoriously difficult to forecast). The DRI simulation shows a moderate positive impact in the first few years

TABLE 11.—PROJECTED IMPACT OF KEMP/ROTH TAX CUT BILL ON REAL NONRESIDENTIAL AND RESIDENTIAL INVESTMENT, 1978–87

	1978	1979	1980	1982	1987
Percent change in real fixed nonresidential investment:					
Compared to no tax cut:					
DRI	1.4	4.8	9.5	15.7	−6.5
Wharton	2.5	5.0	8.0	10.2	10.6
Chase	.5	2.4	5.7	8.8	4.9
Compared to Carter tax cut:					
DRI	1.2	2.3	3.9	7.8	−10.4
Wharton	1.3	3.5	5.5	4.3	−2.4
Chase	.1	−.2	−1.3	.7	−2.5
Percent change in real investment in residential structures:					
Compared to no tax cut:					
DRI	1.8	4.2	5.0	−4.7	−23.2
Wharton	4.4	6.2	5.9	3.0	15.2
Chase	.9	2.5	3.2	−1.9	0
Compared to Carter tax cut:					
DRI	1.2	2.9	3.8	−.9	−23.8
Wharton	2.6	5.6	5.1	.5	13.9
Chase	−1.4	.9	1.7	1.2	−.4

TABLE 12.—PROJECTED IMPACT OF KEMP/ROTH TAX CUT BILL ON THE FEDERAL DEFICIT 1978–87

	1978	1979	1980	1982	1987
Difference in Federal deficit (billions of dollars):					
Compared to no tax cut:					
DRI	21.1	36.9	54.4	68.5	241.2
Wharton	19.8	40.5	68.4	88.0	158.1
Chase	12.4	24.9	37.9	32.8	36.8
Compared to Carter tax cut:					
DRI	15.1	30.2	56.1	64.9	217.4
Wharton	11.6	32.7	50.5	58.3	104.7
Chase	7.6	3.2	19.8	19.6	41.0

which turns strongly negative in the 1980's. The Wharton projection shows a positive cyclical impact, rising above trend in the first few years, weakening in the early 1980's, and strengthening substantially in the late 1980's. The Chase simulation shows comparatively little impact throughout the period.

G. The Federal deficit

Estimates of the impact of the Kemp/Roth bill on the Federal deficit are shown in Table 12. While the magnitudes differ (the Chase estimates are substantially lower than those of DRI and Wharton because of the smaller tax cut simulated by Chase and the implicit reduction in real Government expenditures) one message is clear: the Kemp/Roth bill would substantially increase the Federal deficit over the foreseeable future. The econometric models imply that the tax cut would fall considerably short of "paying for itself," whatever its other benefits may be.

Some proponents of the Kemp/Roth bill have argued that the econometric simulations show that the tax cut would finance itself in a different sense, not that the deficit would decrease or disappear, but rather that any increase in the Federal deficit will be financed by the additional private savings and retained earnings generated by the tax cut. However, this is not a surprising result to observe from the econometric models because in the models, as in the economy, the deficit will always be financed. The issue is not whether the deficit will be financed, but at what cost in terms of interest rates and inflation, and their further impact on investment and other economic variables.

In summary, the econometric studies of the Kemp/Roth tax cut bill generally imply that bill would have a favorable impact on levels of gross national product, employment, income, savings, and investment; these favorable impacts for the most part would decline, or in some cases reverse, by the mid-to-late 1980's Additionally, these favorable effects would be accompanied by substantially higher inflation, higher interest rates, and a larger Federal deficit.

FOOTNOTES

[1] The bill was introduced July 14, 1977, and proposes tax cuts beginning in calendar 1978. For analytical purposes this paper assumes the tax cuts would still begin in 1978 even though nearly a year has passed since its introduction.

[2] The normal rates apply to all corporate net income, as opposed to the surtax rate of 26 percent, which applies only to net income exceeding the surtax exemption.

[3] See Department of the Treasury, Internal Revenue Service, Statistics of Income: 1973, Individual Income Tax Returns, Publication 79 (11–76), Table 3.14, column (4), p. 112. Data are available from 1974 and 1975 tax returns, but the data necessary for the calculations presented here have not been published since the 1973 SOI.

[4] The distribution has remained relatively constant over time. See Department of the Treasury, Internal Revenue Service, Statistics of Income, Corporation Income Tax Returns, for recent years.

[5] Estimates were prepared by John Karr, of the tax section.

[6] See, for example, the introductory statements of Mr. Kemp and Mr. Roth, Congressional Record, 95th Congress, 1st Session, July 14, 1977, pp. 22985–22988, and 23075–23077, respectively.

[7] The tax revision also add three tax brackets at the lower end and eliminated two at the upper end.

[8] An equivalent tax cut in today's economy would amount to about $35 billion to $40 billion.

[9] Measurement of capacity utilization is an imprecise art. and different measures yield different results. The Wharton series, for example, concludes that the rate in 1978 is considerably higher than in 1964.

[10] Annual Report of the Council of Economic Advisors, January 27, 1978. Table 10, p. 84.

[11] Wharton Econometric Forecasting Associates, A Study in CounterCyclical Policy: The 1964 Tax Cut, Preliminary Report, June, 1978. p. 12.

[12] "GNP rose by $155 billion from the first quarter of 1964 to the first quarter of 1967, and there is no model or economist who would attribute all, or anything approaching all, of this increase to a $12 billion cut in personal taxes." Congressional Budget Office, Understanding Fiscal Policy, April, 1978, p. 25.

[13] Real GNP growth was 5.8 percent in 1962 and 4.0 percent in 1963.

[14] See Fiscal Plans for 1966–67, Annual Report of the Council of Economic Advisors, January 20, 1966. pp. 53–54.

[15] The Honorable Jack Kemp, Statement, Congressional Record, 95th Congress, 1st Session, January 4, 1977, p. 79.

[16] For details see: Kiefer, Donald W., Interpretation of the Revenue Impact of Tax Cuts Occurring in 1962, 1964, and 1965, memo, Congressional Research Service, April 4, 1978.

[17] Economic Report of the President, January 21, 1963. p. XVIII.

[18] 109 Congressional Record 16985, September 24, 1963.

[19] 110 Congressional Record 1002, January 23, 1964.

[20] 110 Congressional Record 3397, February 25, 1964.

[21] 1967 Economic Report of the President, U.S. Government Printing Office, Washington, 1967. pp. 37–8.

[22] The tax cut is not totally without review, however. See, for example, Okun, Arthur M., Measuring the Impact of the 1964 Tax Reduction, Remarks before the American Statistical Association, Philadelphia, Pennsylvania, September 10, 1965, 26 p.; Ando, Albert and E. Cary Brown, Personal Income Taxes and Consumption Following the 1964 Tax Reduction, in Studies in Economic Stabilization, The Brookings Institution, Washington, D.C., 1968, pp. 117–137; and Congressional Budget Office, Understanding Fiscal Policy, April, 1978, pp. 23–25

[23] Data Resources, Inc., Preliminary Interim Report on Fiscal Policy Study, May 23, 1978. 10 p., and Wharton Econometric Forecasting Associates, A study in Counter-Cyclical Policy: The 1964 Tax Cut, Preliminary Report, June, 1978. 43 p.

[24] Wharton Econometric Forecasting Associates, op. cit. pp. 8–9.

[25] Heller, Walter W., Tax Cuts, The Kemp-Roth Bill, and the Laffer Curve, Statement before Midyear Reveiw Hearing, Joint Economic Committee, June 28, 1978.

[26] Wanniski, Jude, Taxes, Revenues, and the "Laffer Curve," The Public Interest, Winter 1978, pp. 3–5.

[27] Musgrave, Richard A. and Peggy B. Musgrave, Public Finance in Theory and Practice, Second Edition, McGraw-Hill Book Company, New York, 1973. p. 407.

[28] Ibid. pp. 484–485.

[29] See for example, Boskin, Michael J., Taxation, Saving, and the Rate of Interest, Journal of Political Economy, Volume 86, No. 2, Part 2, April 1978. pp. S3–S27.

[30] Total Federal, State and local taxes have increased about 2 percent as a portion of GNP over the same era.

[31] The feedback effect on the Federal deficit, as opposed to just tax revenues, is somewhat larger because a more vigorous economy also reduces expenditures, for example welfare and unemployment compensation. However, the effect still falls considerably short of providing a "self-financing" tax cut.

[32] For example see: Department of the Treasury, Blueprints for Basic Tax Reform, January 17, 1977, 230 p. for the presentation of a comprehensive income tax with a substantially broader tax base and a three-bracket rate schedule with marginal rates of 8, 25, and 38 percent.

[33] The choice of tax cut mechanism may substantially affect the distribution of the *benefits of the tax cut*, but not significantly affect the distribution of the *overall tax burden* after the tax cut.

[34] This statement ignores the reduction in tax rates which occurred when the surtax expired in 1970.

[35] A second result of cutting taxes by means other than rate reductions over the past 15 years is that the tax burden has shifted among income classes with the lower-income groups benefitting and middle-and-upper-income groups suffering higher effective tax rates. See Sunley, Emil M., and Joseph A. Pechman, Inflation Adjustments for the In-

dividual Income Tax, in Inflation and the Income Tax, Henry Aaron, Ed., The Brookings Institution, Washington, D.C., 1976. p. 160.

[36] Amerkhail, Valerie Lowe, Analysis of the Economic Impact of H.R. 8333, Economics Division, Congressional Research Service, Library of Congress, March 22, 1978. 11 p.

[37] Amerkhail, Valerie Lowe, Analysis of the Economic Impact of H.R. 8333, Using the Wharton Annual Model, Economics Division, Congressional Research Service, Library of Congress, June 27, 1978. 8 p.

[38] Computer Printouts dated March 30, 1978; provided by the office of the Honorable Jack Kemp.

[39] Chase now has two other versions of the analysis of the Kemp/Roth bill, one incorporating a larger cut in Government spending and the other adding a larger corporate tax cut. See Evans, Michael K., Statement at Hearing on Kemp/Roth Tax Cut Bills, Subcommittee on Taxation and Debt Management, Senate Finance Committee, July 14, 1978. For an analysis of these Chase studies see Amerkhail, Valerie Lowe, Simulations of the Economic Impact of the Kemp/Roth Tax Cut Proposals by Chase Econometrics, Economics Division, Congressional Research Service, Library of Congress, Forthcoming.

[40] The assumed tax cuts in the Chase simulations are 6.9 percent the first year, 13.2 percent the second year and 20.1 percent the third year. See Amerkhail, Simulations of the Economic Impact of the Kemp/Roth Tax Cut Proposals by Chase Econometrics, op. cit.

[41] The reason for the differing versions of the Carter tax cut is these forecasts were taken from the standard forecast of each econometric service at the time of the analysis.

[42] Structural unemployment generally refers to unemployment associated with skill level or locational problems rather than insufficient aggregate demand.●

THE BAKKE DECISION: DID IT DECIDE ANYTHING?

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. DELLUMS. Mr. Speaker, the recent Supreme Court decision on the famous Bakke case has left many of us in a state of confusion over the status of affirmative action programs in higher education and in employment. Because the court seemed to take a two-sided view of the matter, none of us is quite certain what is going to happen to these programs as a result of Allen Bakke's having been admitted into the Davis Medical School.

To help clarify things, I would like now to submit an article from the August 17 issue of the New York Review of Books. Contained in it is a very cogent and timely analysis of the court's position, spelling out why the decision will not meet the test of time, and pointing out why the constitutional issue will have to be addressed again and again until affirmative action goals have an unambiguous mandate for implementation. For until this is done, Congress, the courts, and the executive branch will have to flounder along without a clear idea of what our policy should be on remedying the appalling fact of racial discrimination in the United States.

The article follows:

THE BAKKE DECISION: DID IT DECIDE ANYTHING?

(By Ronald Dworkin)

The decision of the Supreme Court in *Bakke* was received by the press and much of the public with great relief, as an act of judicial statesmanship that gave to each party in the national debate what it seemed to want most. Such a sense of relief, however, hardly seems warranted, and it is important to explain why it does not.

Everyone knows something of the facts of the case. The University of California medical school at Davis administered a two-track admission procedure, in which sixteen of a hundred available places were in effect set aside for members of "minority" groups. Allan Bakke, a white applicant who had been rejected, sued. The California Supreme Court ordered the medical school to admit him, and forbade California universities to take race into account in their admissions decisions.

The United States Supreme Court's decision affirmed the California court's order that Bakke himself be admitted, but reversed that court's prohibition against taking race into account in any way. So opponents of affirmative action plans could point to Bakke's individual victory as vindication of their view that such plans often go too far; while proponents were relieved to find that the main goals of affirmative action could still be pursued, through plans more complex and subtle than the plan that Davis used and the Supreme Court rejected.

But it is far too early to conclude that the long-awaited *Bakke* decision will set even the main lines of a national compromise about affirmative action in higher education. The arithmetic of the opinions of various justices, and the narrow ground of the pivotal opinion of Mr. Justice Powell, means that *Bakke* decided rather less than had been hoped, and left more, by way of general principle as well as detailed application, to later Supreme Court cases that are now inevitable.

Bakke's lawyers raised two arguments against the Davis quota plan. They argued, first, that the plan was illegal under the words of the Civil Rights Act of 1964, which provides that no one shall "on the ground of race . . . be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program" receiving federal aid. (Davis, like all medical schools, receives such aid.) They argued, second, that the plan was unconstitutional because it denied Bakke the equal protection guaranteed by the Fourteenth Amendment.

Five out of the nine justices—Justices Brennan, White, Marshall, Blackmun, and Powell—held that Bakke had no independent case on the first ground—the 1964 Civil Rights Act—and that the case therefore had to be decided on the second—the Constitution. They said that the language of the Civil Rights Act, properly interpreted, was meant to make illegal only practices that would be forbidden to the states by the Equal Protection Clause itself. They decided, that is, that it is impossible to decide a case like *Bakke* on statutory grounds without reaching the constitutional issue, because the statute does not condemn the Davis program unless the constitution does. The remaining four justices (Chief Justice Burger, and Justices Stewart, Rehnquist, and Stevens) thought that Bakke was right on the first ground, of the Civil Rights Act, and that they therefore did not have to consider the second, the Constitution itself, and they did not do so.

Of the five justices who considered the second, constitutional argument, four—Brennan, White, Marshall, and Blackmun—held that Bakke had no case under the Constitution either. Mr. Justice Powell held otherwise. He held that the Equal Protection Clause forbids explicit quotas or reserved places unless the school in question can show that these means are necessary to achieve goals of compelling importance, and he held that Davis had not met that burden of proof. But he also held that universities may take race into account explicitly as one among several factors affecting admission decisions in particular cases, in order to achieve racial diversity in classes. (He cited the Harvard undergraduate admissions program as an example.) He said that the Constitution permits this use of race and, since the California Supreme Court had held otherwise, he voted to reverse that court on this point. So a majority of those considering the matter voted against Bakke on *both* of his arguments; but Bakke nevertheless won, because five justices thought he should win on some ground even though they disagreed on which ground.

What does all this mean for the future? The Supreme Court has now decided, by a vote of five to four, that the Civil Rights Act does not in and of itself bar affirmative action programs, even those, like Davis's, that use explicit quotas. It has decided, by a vote of five to none, that the Constitution permits affirmative action plans, like the Harvard undergraduate plan, that allow race to be taken into account, on an individual-by-individual basis, in order to achieve a reasonably diverse student body.

Both of these decisions are important. The Civil Rights Act issue was, in my opinion, not a difficult issue, but it is useful that it is now removed from the argument. The argument of the California Supreme Court—that racially conscious admissions programs are aways unconstitutional—would have been disastrous for affirmative action had it prevailed in the United States Supreme Court, and it is therefore of great importance that it was rejected there. It is also important that at least five justices are agreed that at least a program like the Harvard undergraduate plan is constitutional. The Harvard model provides a standard; if the admissions officers of other universities are satisfied that their plan is like the Harvard plan in all pertinent respects, they can proceed in confidence.

It is equally important to emphasize, however, that the Supreme Court has *not* decided that only a program such as Harvard's is constitutional. It has not even decided that a program with a rigid quota such as the one Davis used is unconstitutional. Mr. Justice Powell drew the line that way in his opinion: he said that a quota-type program is unconstitutional, and his arguments suggest that only something very like the Harvard program is constitutional. But his opinion is only one opinion; no other justice agreed, and four other justices expressly disagreed with him on both points. So Powell's line will become the Supreme Court's line only if not a single one of the four justices who remained silent on the constitutional issue takes a position less restrictive than Powell's on that issue. In these circumstances it seems premature to treat Powell's opinion, and the distinction he drew, as the foundation of the constitutional settlement that will eventually emerge.

There seems little doubt that the four justices who remained silent on the constitutional issue will have to break that silence reasonably soon. For there are a variety of affirmative action cases likely to confront the Court soon in which no statute can provide a reason for avoiding the constitutional issue. The Court has now remanded a case, for example, which challenges the provision of the Public Works Employment Act of 1977 that at least 10 percent of funds disbursed

under the act be applied to "minority" businesses. Since Congress enacted this statute, there can be no argument that its provisions violate congressional will, and the four justices will have to face the question of whether such quota provisions are unconstitutional when this case (or, if it is moot, when some similar case) finally arrives before them. Of course these will not be education cases, and Powell's opinion is carefully tailored to education cases. But the arguments of principle on which he relied, in taking a more restrictive view of what the Equal Protection Clause permits than did the other justices who spoke to that issue, are equally applicable to employment and other cases.

Indeed, it is arguable that, in strict theory, the four justices who remained silent would have to speak to the constitutional issue even if another education case, like the *Bakke* case, were for some reason to come before the court. Suppose (though this is incredible) that some university that administers a quota-type system like the Davis system were to refuse to dismantle it in favor of a more flexible system, and the Supreme Court were to review the inevitable challenge. Since *Bakke* decides that the Civil Rights Act is no more restrictive than the Constitution, the four justices might well consider this point foreclosed by that decision in any future case, in which event they would have to face the constitutional issue they avoided here.

(Anthony Lewis, in The New York Times, said that it was surprising that these justices did not give their opinion on the constitution even in *Bakke*, since they knew that the Court as a whole rejected their argument that the case could be decided under the statute. Lewis speculates that one of the five justices who rejected the statutory argument might have held the contrary view until just before the decision was released, and so left the four little time to address the constitutional issue.)

He may be right, but there is at least another possibility. Suppose at least one of the four believed that even the Davis quota-type plan was constitutional. If he had said so, but nevertheless voted in favor of Bakke on the statutory issue then the Court would have ordered Bakke admitted even though a majority of the full court, and not simply a majority of those speaking to each issue, was against Bakke on both grounds, and even though the Court would have been constrained, by precedent, to approve a quota-type program in the future. That would have been even more bizarre and confusing that the present decision. But all this is simply guesswork squared.

Is there any point (other than as an academic exercise) in these speculations about the position that members of the silent four would take on the constitutional issue? Some practical lawyers have already said that the main goals of affirmative action programs, at least in university and professional school education, can be served by programs that fall comfortably within what Mr. Justice Powell expressly permitted. If that is so, then it might be wise to proceed as if the Powell opinion, even though the opinion of only one justice, states constitutional law for university educational programs, and then try to work out a similar settlement for other areas, like employment, in other cases. But I am not so sure that it is so, because the Powell opinion, at least until clarified by later decisions, is less coherent and may well be less permissive than it has widely been taken to be.

Powell expressly ruled out admissions programs, like the Davis program, that reserve certain places for minority members only. He approved programs, like the Harvard undergraduate program he cited, that do not even set target numbers for minority acceptance. Such programs are aimed at diversity in the student body. They recognize that racial diversity is as important as geographical diversity or diversity in extracurricular talents and career ambitions, and so take race into account in such a way that the fact that an applicant is black may tip the balance in his favor just as the fact that another applicant is an accomplished flutist may tip the balance in his.

But a great many affirmative action admissions programs fall between these two extremes. They do not expressly reserve a set number of places for which only minority applicants compete, but they nevertheless do set rough "target" figures representing a general decision about the proportion of the class that should on general principles be filled by minority applicants. The number of such applicants accepted will vary from year to year but will hover within a range that will be less varying than the proportion of accomplished musicians, for example, or of applicants from a particular section of the country. In most cases, the admissions committee will report the number of minority applicants selected to the faculty at large, as a separate statistic, and will attempt to explain a particularly low percentage in any particular year. Minority applications will in this way be treated very differently from applications of musicians or West Coast residents. Do such rough "targets," used in this way, make a program unconstitutional under the analysis Powell proposed?

The answer may depend on the goal or purpose of the "target." Powell considered a number of goals that affirmative action programs in a medical school might be expected to achieve, and he said that some goals were constitutionally permitted, while others were not. He rejected, in particular, "the purpose of helping certain groups whom the faculty . . . perceived as victims of 'societal discrimination'." (He said that this goal must not be pursued by any classification that imposes disadvantages on others who had no responsibility for the earlier discrimination.) He accepted as permissible the goal of supplying more professional people for under-served communities, but denied that Davis had shown that a program "must prefer members of particular ethnic groups" in order to achieve that goal. He also accepted the goal of educational diversity, which in his opinion justified the flexible Harvard plan though not the Davis quota plan.

The constitutionality of an affirmative action plan therefore depends, according to Powell, on its purpose as well as its structure. It is not altogether plain how courts are to decide what the purpose of a racially conscious admissions program is. Perhaps they should not look behind an official institutional statement that the plan seeks educational diversity, if such a statement seems plausible.

But in the case of some professional schools it may not be plausible, and Powell says, in this connection, that "good faith" should be presumed only "absent a showing to the contrary. . . ." Perhaps the motives of individual members of the admissions committee or of the faculty as a whole are not relevant. It is nevertheless true that many faculty members, particularly of professional schools, support racially conscious admissions programs because they do believe that such programs are necessary to provide more professional people for the ghettos. Even more support them because they are anxious that their school help groups that have been disadvantaged by discrimination, by providing models of successful professional men and women from these groups, for example.

The leaders of many institutions are now on record, in fact, that these are their goals. (They may or may not also believe that the level of diversity in their classes that would be reached without racially conscious programs is unsatisfactory for purely educational reasons.) Many disappointed applicants to such institutions now sue, placing in evidence statements faculty members have made about the purposes of racially conscious plans, or subpoenaing officers of admission to examine their motives under oath?

Powell's opinion raises these questions, but it does little to help answer them, even in principle, because the argumentative base of this opinion is weak. It does not supply a sound intellectual foundation for the compromise the public found so attractive. The compromise is appealing politically, but it does not follow that it reflects any important difference in principle, which is what a constitutional, as distinct from a political, settlement requires.

There are indeed important differences between the "quota" kind of affirmative action program—with places reserved for "minorities" only—and more flexible plans that make race a factor, but only one factor, in the competition for all places. But these differences are administrative and symbolic. A flexible program is likely to be more efficient, in the long run, because it will allow the institution to take less than the rough target number of minority applicants when the total group of such applicants is weaker, and more when it is stronger. It is certainly better symbolically, for a number of reasons. Reserving a special program for minority applicants—providing a separate door through which they and only they may enter—preserves the structure, though of course not the purpose, of classical forms of caste and apartheid systems, and seems to denigrate minority applicants while helping them. Flexible programs emphasize, on the other hand, that successful minority candidates have been judged overall more valuable, as students, than white applicants with whom they directly competed.

But the administrative and symbolic superiority of the flexible programs, however plain, cannot justify a constitutional distinction of the sort Powell makes. There should be no constitutional distinction unless a quota program violates or threatens the constitutional rights of white applicants as *individuals* in some way that the more flexible programs do not.

Powell does not show any such difference, and it is hard to imagine how he could. If race counts in a flexible program then there will be some individual white applicant who loses a place but who would have gained one if race did not count. However that injury is described it is exactly the same injury—neither more nor less—that Bakke suffered. We cannot say that in a flexible system fewer whites lose places because race figures in the decision; that will depend on details of the flexible and quota programs being compared, on the nature of the applicants, and on other circumstances. But even if it could be shown that fewer whites would lose in a flexible plan it would not follow that the rights of those individuals who did lose were different or differently treated.

Powell argues that in a flexible plan a marginal white applicant is at least in a position to try to show that, in spite of his race, he ought to be taken in preference to a black applicant because he has some special contribution that the black applicant does not. His race does not rule him out of even part of the competition automatically.

This argument may be based on an unrealistic picture of how admissions committees must deal with a vast volume of applications even under a flexible plan. An individual admissions officer will use informal cut-off lines, no matter how flexible the program is in principle, and a majority applicant with a

low test score may be cut off from the entire competition with no further look to discover whether he is a good musician, for example, though he would have been rescued for a further look if he were black.

But even if Powell's sense of how a flexible plan works is realistic, his argument is still weak. An individual applicant has, at the start of the competition for places, a particular grade record, test score average, personality, talents, geographical background, and race. What matters, for a white applicant, is the chance these give him in the competition, and it does not make any difference to him in principle whether his race is a constant small handicap in the competition for all the places, or no handicap at all in the competition for a slightly smaller number of places. His fate depends on how much either the handicap or the exclusion reduces his overall chances of success; and there is no reason to assume, a priori, that the one will have a greater or lesser impact than the other. That will depend on the details of the plan—the degree of handicap or the proportion of exclusion—not which type of plan it is.

Powell sees an important difference between a handicap and a partial exclusion. He says that in the former case, but not the latter, an applicant is treated "as an individual" and his qualifications are "weighed fairly and competitively." (He chides Justices Brennan, White, Marshall, and Blackmun for not speaking to the importance of this "right to individualized consideration.") But this seems wrong. Whether an applicant competes for all or only part of the places, the privilege of calling attention to other qualifications does not in any degree lessen the burden of his handicap, or the unfairness of that handicap, if it is unfair at all. If the handicap does not violate his rights in a flexible plan, a partial exclusion does not violate his rights under a quota. The handicap and the partial exclusion are only different means of enforcing the same fundamental classifications. In principle, they affect a white applicant in exactly the same way—by reducing his overall chances—and neither is, in any important sense, more "individualized" than the other. The point is not (as Powell once suggests it is) that faculty administering a flexible system may covertly transform it into a quota plan. The point is rather that there is no difference, from the standpoint of individual rights, between the two systems at all.

There is a second serious problem in Powell's opinion which is more technical, but in the end more important. Both Powell and the other four justices who reached the constitutional issue discussed the question of whether racial classifications used in affirmative action programs for the benefit of minorities are "suspect" classifications which the Supreme Court should subject to "strict scrutiny." These are terms of art, and I must briefly state the doctrinal background.

Legislatures and other institutions that make political decisions must use general classifications in the rules they adopt. Whatever general classifications they use, certain individuals will suffer a disadvantage they would not have suffered if lines had been differently drawn, sometimes because the classifications treat them as having or lacking qualities they do not. State motor codes provide, for example, that no one under the age of sixteen is eligible to drive an automobile, even though some people under that age are just as competent as most over it. Ordinarily the Supreme Court will not hold such a general classificataion unconstitutional even though it believes that a different classification would place different people at a disadvantage, would be more reasonable or more efficient. It is enough if the classification the legislature makes is not irrational; that is, if it could conceivably serve a useful and proper social goal. That is a very easy test to meet, but if the Court used a more stringent test to judge all legislation, then it would be substituting its judgment on inherently controversial matters for the judgment reached by a democratic political process.

There is however, an important exception to this rule. Certain classifications are said to be "suspect" and when a state legislature employs these classifications in legislation, the Supreme Court will hold the legislation unconstitutional unless it meets a much more demanding test which has come to be called the test of "strict scrutiny." It must be shown, not simply that the use of this classification is not irrational, but that it is "necessary" to achieve what the Court has called a "compelling" governmental interest. Obviously, it is a crucial issue, in constitutional litigation, whether a particular classification is an ordinary classification, and so attracts only the relaxed ordinary scrutiny, or is a suspect classification which must endure strict scrutiny (or, as some justices have sometimes suggested, falls somewhere between these two standards of review).

Racial classifications that *disadvantage* a "minority" race are paradigm cases of suspect classifications. In the famous *Korematsu* case the Supreme Court said that "[All] legal restrictions which curtail the rights of a single racial group are immediately suspect. That is not to say that all such restrictions are unconstitutional. It is to say that courts must subject them to the most rigid scrutiny." But what about racial classifications that figure in a program designed to *benefit* a group of disadvantaged minorities? It had never been decided, prior to *Bake*, whether such "benign" classifications are suspect.

The four justices who voted to uphold the Davis plan did not argue that "benign" racial classifications should be held only to the weak ordinary standard—i.e., that it could conceivably serve a useful social goal. But neither did they think it appropriate to use the same high standard of strict scrutiny used to judge racial classifications that work against minorities. They suggested an intermediate standard, which is that remedial racial classifications "must serve important governmental objectives and must be substantially related to achievement of those objectives." They held that the Davis medical school's purpose of "remedying the effects of past societal discrimination" was sufficiently important, and that the racial classification to that objective.

But Mr. Justice Powell disagreed. He held that "benign" racial classifications should be held to the same extremely strict scrutiny that is applied to racial classifications that disadvantage a minority. He therefore required that the Davis classification be "necessary" to a "compelling" purpose, and he held that it was not. He argued that no distinction should be made between the test applied to racial classifications that benefit and those that disadvantage an established minority for two reasons. First, because any such distinction would rest on judgments, like judgments about what groups are, in the relevant sense, minorities, and which classifications carry a "stigma," that Powell called "subjective" and "standardless." Second, because constitutionally important categories would then be constantly changing as social or economic conditions (or the perception of Supreme Court justices of such conditions) changed, so that yesterday's disadvantaged minority became a member of today's powerful majority, or yesterday's helping hand became today's stigma.

There is plainly some force in this argument. All else being equal, it is better when constitutional principles are such that reasonable lawyers will not disagree about their application. But often the political and moral rights of individuals do depend on considerations that different people will assess differently, and in that case the law would purchase certainty only at the price of crudeness and inevitable injustice. American law—particularly constitutional law—has refused to pay that price, and it has become in consequence the envy of more formalistic legal systems.

It is easy, moreover, to exaggerate the "subjectivity" of the distinctions in play here. Once the distinction is made between racial classifications that disadvantage an "insular" minority, like the detention of Japanese-Americans in the *Korematsu* case, and those that are designed to benefit such a minority, then reasonable men cannot sincerely differ about where the racial classification of the Davis medical school falls. Nor is the social pattern of prejudice and discrimination the Davis program attacked either recent or transient. It is as old as the country, tragically, and will not disappear very soon.

My present point, however, is a different one. Powell's argument in favor of strict scrutiny of all racial classifications, which is that the putative distinction between benign and malignant classifications relies on "subjective" and "standardless" judgments, is not and cannot be consistent with the rest of his judgment, because his approval of flexible undergraduate program, presupposes exactly the same judgments. Powell begins his defense of flexible but racially conscious admissions program with the following exceptionally broad statement of a constitutionally protected right of universities to choose their own educational strategies:

"Academic freedom, though not a specifically enumerated constitutional right, long has been viewed as a special concern of the First Amendment. The freedom of a university to make its own judgments as to education includes the selection of its student body. Mr. Justice Frankfurter summarized the "four essential freedoms" that comprise academic freedom: "It is an atmosphere in which there prevail the four essential freedoms of a university—to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study." [19]

Diversity is the "compelling" goal that Powell believes universities may seek through flexible (but not crude) racially conscious policies. But what if a law school faculty, in the exercise of its right to "determine for itself . . . who shall be admitted to study," decided to count the fact that an applicant is Jewish as a negative consideration, though not an absolute exclusion, in the competition for all its places? It might decide that it is injurious to "diversity" or to the "robust exchange of ideas" that Jews should form so large and disproportionate a part of law school classes as they now do. Or what if a Southern medical school one day found that a disproportionately large number of black applicants was being admitted on racially neutral tests, which threatened the diversity of its student body, to the detriment, as it determined, of its educational process? It might then count being white as a factor beneficial to admission, like being a musician or having an intention to practice medicine in a rural area.

The four justices who voted to uphold the Davis program as constitutional would have no trouble distinguishing these flexible programs that count being Jewish as a handicap or being white as a beneficial factor. Neither of these programs could be defended as helping to remedy "the effects of past societal discrimination." They could argue that, on the contrary, since these programs put at a

disadvantage members of races that have been and remain the victims of systematic prejudice, the programs must for that reason be subject to "strict scrutiny" and disallowed unless positively shown to be both "necessary" and compelling.

Mr. Justice Powell did not, of course, have any such programs in mind when he wrote his opinion. He surely could not accept them as constitutional. But he, unlike the four justices, could not consistently distinguish such programs on their grounds, since the judgments I just described involve precisely the "subjective" and "standardless" judgments about "stigma" that he rejected as inappropriate to constitutional principles.

The point is, I think, a simple one. The difference between a general racial classification that causes further disadvantge to those who have suffered from prejudice, and a classification framed to help them, is morally significant, and cannot be consistently denied by a constitutional law that does not exclude the use of race altogether. If the nominal standard for testing racial classifications denies the difference, the difference will nevertheless reappear when the standard is applied because (as these unlikely hypothetical examples show) our sense of justice will insist on a distinction. If that is so, then the standard, however it is drafted, is not the same, and will not long be thought to be.

I raise these objections to Powell's opinion, not simply because I disagree with his arguments, but to indicate why I believe that the compromise he fashioned, though immediately popular, may not be sufficiently strong in principle to furnish the basis for a coherent and lasting constitutional law of affirmative action. Later cases will, of course, try to absorb his opinion into a more general settlement, because it was the closest thing to an opinion of the Court in the famous *Baake* case, and because it is the creditable practice of the Court to try to accommodate rather than to disown the early history of its own doctrine. But Powell's opinion suffers from fundamental weaknesses and, if the Court is to arrive at a coherent position, far more judicial work remains to be done than a relieved public yet realizes.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SIKES, for 30 minutes, today, and to revise and extend his remarks and to include extraneous matter.

Mr. SIKES, for 30 minutes, on August 3, 1978, and to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. COLEMAN) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 10 minutes, today.

Mr. GOLDWATER, for 5 minutes, today.

Mr. SARASIN, for 5 minutes, tolay.

Mr. STEIGER, for 5 minutes, August 3, 1978.

Mr. SKUBITZ, for 5 minutes, August 3, 1978.

Mr. GREEN, for 10 minutes, today.

Mr. RUDD, for 10 minutes, today.

(The following Members (at the request of Mr. WEISS) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Mr. DRINAN, for 5 minutes, today.

Mr. ULLMAN, for 5 minutes, today.

Mrs. LLOYD of Tennessee, for 5 minutes, today.

Mr. WON PAT, for 30 minutes, on August 3, 1978.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DELLUMS, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,463.75.

Mr. VANIK, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,463.75.

Mr. STEERS, in opposition to the Bauman amendment, immediately following consideration of the Bauman amendment in the Committee of the Whole today on H.R. 12931.

(The following Members (at the request of Mr. COLEMAN), and to include extraneous material:)

Mr. CRANE.

Mr. MARKS.

Mr. MCKINNEY.

Mr. ARCHER.

Mr. DEL CLAWSON.

Mr. FINDLEY.

Mr. GRASSLEY.

Mr. RINALDO.

Mr. HANSEN in three instances.

Mr. ASHBROOK in two instances.

Mr. SAWYER.

Mr. COHEN.

Mr. TRIBLE.

Mr. KEMP.

Mr. MARTIN.

Mr. EDWARDS of Oklahoma.

(The following Members (at the request of Mr. WEISS) and to include extraneous matter:)

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. CONYERS.

Mr. D'AMOURS.

Mr. FRASER.

Mr. SANTINI in two instances.

Mr. GARCIA.

Mrs. MEYNER.

Mr. MITCHELL of Maryland.

Mr. HAMILTON.

Mr. EILBERG in two instances.

Mr. RISENHOOVER in three instances.

Mr. MOSS.

Mr. PATTISON of New York.

Mr. MOAKLEY.

Mr. TSONGAS.

Mr. UDALL.

Mr. DE LA GARZA in 10 instances.

Mr. BAUCUS.

Mr. GUDGER.

Mr. BRECKINRIDGE.

Mr. WOLFF.

Mr. ROSENTHAL.

Mr. RUSSO.

Mr. ROSE.

Mr. STRATTON.

Mr. BRADEMAS in 10 instances.

Mr. LAFALCE in two instances.

Mr. LLOYD of California.

Mrs. LLOYD of Tennessee.

Mrs. SPELLMAN.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on August 1, 1978, present to the President, for his approval, a bill of the House of the following title:

H.R. 12138. To name a certain Federal building in Laguna Niguel, Calif., the "Chet Holifield Building."

ADJOURNMENT

Mr. WEISS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, August 3, 1978, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4690. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, concerning Marine Corps officers: Promotion and continuation on the Active List; to the Committee on Armed Services.

4691. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to redefine service in grade eligibility requirements for consideration by selection boards for promotion of active duty Navy male line officers, active duty Marine Corps male officers, active duty Navy women line officers; and active duty Marine Corps women officers; to the Committee on Armed Services.

4692. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to approve the sale of certain naval vessels, and for other purposes; to the Committee on Armed Services.

4693. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

4694. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 2-236, "To promote and facilitate medical studies, research, education and the performance of obligations of medical review committees in the District of Columbia concerning medical records, information and data," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4695. A letter from the Chairman, Council of the District of Columbia transmitting a copy of Council Act No. 2-237, "To amend the Rental Housing Act of 1977 (D.C. Law 2-54)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4696. A letter from the Administrator of General Services, transmitting notice of a proposed new records system, pursuant to

5 U.S.C. 552a(o); to the Committee on Government Operations.

4697. A letter from the Clerk U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures for the period April 1 through June 30, 1978, pursuant to section 105(a) of Public Law 88-454, as amended (H. Doc. No. 95-372); to the Committee on House Administration and ordered to be printed.

4698. A letter from the president, U.S. Railway Association, transmitting the association's third quarterly report, pursuant to section 202(e)(2) of the Regional Rail Reorganization Act of 1963, as amended (91 Stat. 1423); to the Committee on Interstate and Foreign Commerce.

4699. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality, Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

4700. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(2) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

4701. A letter from the Secretary of the Army, transmitting a Corps of Engineers report on the Metropolitan Spokane Region water resources study, in partial response to resolutions of the House and Senate Committees on Public Works adopted May 5, 1966, and October 7, 1965, respectively; to the Committee on Public Works and Transportation.

4702. A letter from the Secretary of the Army, transmitting a Corps of Engineers report on the South Shore of Barnstable, Mass., in response to a resolution of the House Committee on Public Works adopted December 11, 1969; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON: Committee on House Administration. House Resolution 1237. Resolution to provide funds for the further expenses of investigations and studies by the ad hoc Committee on Energy (Rept. No. 95-1409), Referred to the House Calendar.

Mr. DANIELSON: Committee on the Judiciary. H.R. 7679. A bill to amend title 28, United States Code, to provide for actions against insurers on claims against persons entitled to diplomatic immunity; with amendment (Rept. No. 95-1410). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 11579. A bill to designate the Veterans' Administration hospital located at 1901 South First Street, Temple, Tex., as the "Olin E. Teague Veterans' Hospital"; with amendment (Rept. 95-1411). Referred to the House Calendar.

Mr. DANIELSON: Committee on the Judiciary. S. 2424. An act to amend the act incorporating the American Legion so as to redefine eligibility for membership therein (Rept. No. 95-1416). Referred to the House Calendar.

Mr. NEDZI: Committee on House Administration. H.R. 10792. A bill to authorize the Smithsonian Institution to acquire the Museum of African Art, and for other purposes; with amendment (Rept. No. 95-1417). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELSON: Committee on the Judiciary. H.R. 11956. A bill to amend the Federal charter of the Boy Scouts of America (Rept. 95-1418). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLAND: Committee of conference. Conference report on H.R. 12240 (Rept. No. 95-1420). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EILBERG: Committee on the Judiciary. H.R. 1400. A bill for the relief of Stefan Kowalik; with amendment (Rept. No. 95-1412). Referred to the Committee of the Whole House.

Mr. HALL: Committee on the Judiciary. H.R. 1931. A bill for the relief of Juana Todd Atherley; with amendment (Rept. No. 95-1413). Referred to the Committee of the Whole House.

Mr. HARRIS: Committee on the Judiciary. H.R. 3613. A bill for the relief of Irma Victoria Bolarte Alvarado (Rept. No. 95-1414). Referred to the Committee of the Whole House.

Mr FISH: Committee on the Judiciary. H.R. 5163. A bill for the relief of Marinelle Khristy Cruz; with amendment (Rept. No. 95-1415). Referred to the Committee of the Whole House.

Mr. STRATTON: Committee on Armed Services. H.R. 13268. A bill to authorize the appointment of Lloyd Leslie Burke, colonel, U.S. Army, to the grade of brigadier general; with amendment (Rept. No. 95-1419). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary H.R. 10407. A bill for the relief of Ling-Yung Kung; with amendment (Rept. No. 95-1421). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 1402. A bill for the relief of Rosario A. Calvin; with amendment (Rept. No. 95-1422). Referred to the Committee of the Whole House.

Mr. SAWYER: Committee on the Judiciary. H.R. 7387. A bill for he relief of Noel Abueg Emde; with amendment (Rept. No. 95-1423). Referred to the Committee of the Whole House.

Mr. HARRIS: Committee on the Judiciary. H.R. 8751. A bill for the relief of Francesco Giuttari; with amendment (Rept. No. 95-1424); Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 9610. A bill for the relief of Raymond Vishnu Clemons (Rept. No. 95-1425). Referred to the Committee of the Whole House.

Mr. SAWYER: Committee on the Judiciary. H.R. 9613. A bill for the relief of Eustace John D'Souza (Rept. No. 95-1426). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself, Mr. REUSS, Mr. ASHLEY, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. HANLEY, Mr. MITCHELL of Maryland, Mr. NEAL, Mr. PATTERSON of California, Mr. BLANCHARD, Mrs. SPELLMAN, Mr. AUCOIN, Mr. TSONGAS, Mr. HANNAFORD, Mr. CAVANAUGH, Ms. OAKAR, Mr. MATTOX, Mr. VENTO, Mr. BARNARD, Mr. WATKINS, Mr. BROWN of Michigan, Mr. ROUSSELOT, Mr. HYDE, and Mr. LEACH):

H.R. 13686. A bill to amend the authority for the flexible regulation of interest rates on deposits and accounts in depository institutions and to provide that there shall be no differential with respect to transactional accounts; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BIAGGI (for himself and Mr. JACOBS):

H.R. 13687. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of assistance under such act that law enforcement agencies have in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary

By Mr. JOHN L. BURTON (for himself, Mr. BROOKS, Mr. HORTON, Mr. FASCELL, Mr. ERLENBORN, Mr. PREYER, Mr. HARRINGTON, Mr. JENRETTE, Mr. WALKER, Mr. STANGELAND, Mr. RYAN, and Mr. WAXMAN):

H.R. 13688. A bill to authorize the permanent establishment of a system of Federal Information Centers; to the Committee on Government Operations.

By Mr. CRANE (for himself, Mr. EDWARDS of Oklahoma, Mr. BADHAM, Mr. HARSHA, Mr. BUCHANAN, Mr. MOORHEAD of California, Mr. DORNAN, and Mr. BURKE of Florida):

H.R. 13689. A bill to require the Environmental Protection Agency and all other Federal regulatory agencies to evaluate, prior to the issuance of a regulation, the potential economic effect and environmental impact of such regulations; to the Committee on Government Operations.

By Mr. CRANE (for himself, Mr. EDWARDS of Oklahoma, Mr. BADHAM, Mr. HARSHA, Mr. BUCHANAN, Mr. MOORHEAD of California, Mr. DORNAN, Mr. BURKE of Florida, and Mr. MCCLOSKEY):

H.R. 13690. A bill to amend the Antidumping Act of 1921; to the Committee on Ways and Means.

H.R. 13691. A bill to amend the Internal Revenue Code of 1954 to reduce income taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. DICKINSON (for himself, Mr. NICHOLS, Mr. BRINKLEY, Mr. MATHIS, Mr. FLOWERS, Mr. EDWARDS of Alabama, Mr. BUCHANAN, Mr. BEVILL, Mr. FLIPPO, and Mr. BARNARD):

H.R. 13692. A bill granting the consent of Congress to the Historic Chattahoochee Compact between the States of Alabama and Georgia; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself and Mr. SIMON):

H.R. 13693. A bill to provide safeguards to producers in the storing and selling of grain; and to establish the Federal Grain Insurance Corporation; to the Committee on Agriculture.

By Mr. FLORIO:

H.R. 13694. A bill to provide assistance for specific neighborhood conservation and revitalization projects, to improve the capabilities of neighborhood organizations in planning and carrying out such projects, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. MEYNER:

H.R. 13695. A bill to amend the Internal Revenue Code of 1954 to provide individuals a deduction for amounts contributed to tax exempt school trust (TEST) funds payments from which are restricted to the payment of educational expenses of postsecondary education; to the Committee on Ways and Means.

By Mr. MOAKLEY (for himself, Mr. COCHRAN of Mississippi, Mr. EDWARDS of California, Mr. FLOOD, Mr. WEAVER, Mr. SKUBITZ, Mr. ROSENTHAL, Mr. LOTT, Ms. MIKULSKI, Mr. EILBERG, Mr. KILDEE, Ms. HOLTZMAN, and Mr. HUGHES):

H.R. 13696. A bill to require that the Secretary of Energy notify any State of any investigation of any site in such State for the construction of any radioactive waste storage facility and allow such State to prevent the construction of such facility on such site by an action of the State legislature or a statewide referendum; to the Committee on Interior and Insular Affairs, and Interstate and Foreign Commerce.

By Mr. SCHULZE:

H.R. 13697. A bill to amend the Internal Revenue Code of 1954 to allow tax-free rollovers of certain amounts received under section 403(b) annuities; to the Committee on Ways and Means.

By Mr. SYMMS (for himself, Mr. EVANS of Georgia, Mr. MCDONALD, Mr. DEVINE, Mr. GEPHARDT, Mr. KEMP, Mr. EDWARDS of Oklahoma, Mr. FRENZEL, Mr. WHITEHURST, Mr. GUYER, Mr. KINDNESS, Mr. HANSEN, Mr. BOB WILSON, Mr. BADHAM, and Mr. COLLINS of Texas):

H.R. 13698. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide that drugs will be regulated under the act solely to assure their safety, to promote the efficient and fair treatment of new drug applications, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. JENRETTE, and Mr. BALDUS):

H.R. 13699. A bill to amend the tax laws of the United States to encourage the preservation of independent local newspapers; to the Committee on Ways and Means.

By Mr. WOLFF (for himself and Mr. PANETTA):

H.R. 13700. A bill to amend the Internal Revenue Code of 1954 to suspend the imposition of interest and to prohibit the imposition of a penalty for failure to pay tax on underpayments of tax resulting from erroneous advice given in writing by the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. BREAUX:

H.R. 13701. A bill to amend the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. PHILLIP BURTON (for himself, Mr. MEEDS, Mr. UDALL, Mr. DON H. CLAUSEN, Mr. RONCALIO, Mr. LAGOMARSINO, Mr. BINGHAM, Mr. SKUBITZ, Mr. SEIBERLING, Mr. LUJAN, Mr. RUNNELS, Mr. SEBELIUS, Mr. ECKHARDT, Mr. JOHNSON of Colorado, Mr. BYRON, Mr. YOUNG of Alaska, Mr. SANTINI, Mr. MARRIOTT, Mr. WEAVER, Mr. CARR, Mr. DUNCAN of Oregon, Mr. MCKAY, Mr. MOAKLEY, Ms. CHISHOLM, and Mr. DODD):

H.R. 13702. A bill to provide that the Territory of American Samoa be represented by a nonvoting Delegate to the U.S. House of Representatives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PHILLIP BURTON (for himself, Mr. MEEDS, Mr. KAZEN, Mr. MILLER of California, Mr. WON PAT, Mr. DE LUGO, Mr. SHARP, Mr. KREBS, Mr. MARKEY, Mr. KOSTMAYER, Mr. CORRADA, Mr. MURPHY of Pennsylvania, Mr. RAHALL, Mr. VENTO, Mr. FLORIO, Mr. AKAKA, Mrs. BOGGS, Mr. BONIOR, Mr. BROWN of California, Mrs. BURKE of California, Mr. KASTENMEIER, Mr. CORMAN, Mr. CORNELL, Mr. DIGGS, and Mr. ERTEL):

H.R. 13703. A bill to provide that the Territory of American Samoa be represented by a nonvoting Delegate to the U.S. House of Representatives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PHILLIP BURTON (for himself, Mr. MEEDS, Mr. FORD of Tennessee, Mr. GORE, Mr. HARKIN, Mr. HEFTEL, Ms. HOLTZMAN, Mr. IRELAND, Mr. JENRETTE, Mr. JOHNSON of California, Mr. KILDEE, Mr. LEGGETT, Mr. LEVITAS, Mr. METCALFE, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MOFFETT, Mr. MURTHA, Mr. NEDZI, Mr. PATTERSON of California, Mr. PERKINS, Mr. RODINO, Mr. ROSE, Mr. ROYBAL, and Mr. SOLARZ):

H.R. 13704. A bill to provide that the Territory of American Samoa be represented by a nonvoting Delegate to the U.S. House of Representatives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PHILLIP BURTON (for himself, Mr. MEEDS, Mr. BEILENSON, Mr. JOHN L. BURTON, Mr. MCCLOSKEY, Mr. PANETTA, Mr. RANGEL, Mr. STUDDS, Mr. THORNTON, Mr. WAXMAN, Mr. WEISS, Mr. HOWARD, Mr. ANDERSON of California, Mr. GARCIA, and Mr. EDWARDS of California):

H.R. 13705. A bill to provide that the Territory of American Samoa be represented by a nonvoting Delegate to the U.S. House of Representatives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DE LA GARZA:

H.R. 13706. A bill to repeal certain requirements relating to notice of animal and plant quarantines, and for other purposes; to the Committee on Agriculture.

By Mr. DRINAN (for himself and Mr. GREEN):

H.R. 13707. A bill to promote the development of methods of research, experimentation, and testing that minimize the use of, and pain and suffering to, live animals; to the Committee on Science and Technology.

By Mr. EVANS of Colorado:

H.R. 13708. A bill to provide for the orderly construction, operation and maintenance of the previously authorized Fryingpan-Arkansas Federal reclamation project in Colorado, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GREEN:

H.R. 13709. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for occupational therapy services, whether furnished as a part of home health services or otherwise; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. GUDGER (for himself, Mr. MANN, Ms. HOLTZMAN, Mr. HALL, Mr. EVANS of Georgia, Mr. ROSE, Mr. PREYER, Mr. NEAL, Mr. WHITLEY, Mr. HEFNER, and Mr. ANDREWS of North Carolina):

H.R. 13710. A bill to amend the Federal Rules of Criminal Procedure to limit Federal searches and seizures of property in the possession of innocent third parties; to the Committee on the Judiciary.

By Mrs. HOLT (for herself, Mr. BUTLER, Mr. DORNAN, Mr. FLOWERS, Mr. FORSYTHE, Mr. HANSEN, Mr. LAGOMARSINO, Mr. LEACH, Mr. LENT, Mr. LIVINGSTON, Mrs. LLOYD of Tennessee, Mr. MADIGAN, Mr. MILLER of Ohio, Mr. MITCHELL of New York, Mr. JOHN T. MYERS, Mr. RUDD, Mr. SPENCE, Mr. STEIGER, Mr. STUMP, Mr. SYMMS, Mr. TAYLOR, Mr. WHITEHURST, and Mr. WINN):

H.R. 13711. A bill to limit the growth rate of Federal spending and provide for permanent tax rate reductions for individuals and businesses; jointly, to the Committees on Rules, and Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. BALDUS, and Mr. MARLENEE):

H.R. 13712. A bill to provide that agencies consider alternative regulatory proposals in the promulgation of agency rules, regulations, and reporting requirements, and for other purposes; to the Committee on the Judiciary.

By Mr. MARTIN:

H.R. 13713. A bill to amend the Internal Revenue Code of 1954 relative to educational activities and advertising income of nonprofit organizations; to the Committee on Ways and Means.

H.R. 13714. A bill to amend the Internal Revenue Code of 1954 with respect to the number of individuals who may be shareholders in subchapter S corporations; to the Committee on Ways and Means.

By Mr. MILFORD:

H.R. 13715. A bill to improve the operational weather programs of the National Oceanic and Atmospheric Administration, to affirm the Federal responsibility for the provision of effective weather and related services, to assure to the maximum possible extent that all available Federal resources are utilized in a coordinated manner in weather-related research, development, and technology, and for other purposes; to the Committee on Science and Technology.

By Mr. REUSS:

H.R. 13716. A bill to permit Federal savings and loan associations to raise additional capital through the issuance of mutual capital certificates, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ERTEL:

H.R. 13717. A bill to provide for equal access to the courts; to the Committee on the Judiciary.

By Mr. LAFALCE (by request):

H.R. 13718. A bill to amend section 310(b) of the Small Business Investment Act of 1958; to the Committee on Small Business.

By Mr. MARTIN:

H.R. 13719. A bill to offset the loss in tax revenues incurred by Guam and the Virgin Islands by reason of certain Federal tax reductions; to the Committee on Interior and Insular Affairs.

By Mr. SKUBITZ (for himself, Mr. MADIGAN, and Mr. LENT):

H.R. 13720. A bill to establish a Visitors Information Agency of the United States in the Department of Commerce, to further regional economic development through travel and tourism, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDNESS (for himself, Mr. GUYER, and Mr. LIVINGSTON):

H.J. Res. 1103. Joint resolution proposing an amendment to the Constitution of the United States to provide that equality of rights under the law shall not be denied or abridged by the United States or by any

State on account of sex; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 1104. Joint resolution to authorize and request the President to proclaim January 28, 1979, as "Day of Marti, Apostle of Liberty"; to the Committee on Post Office and Civil Service.

Mr. ASHBROOK:

H. Con. Res. 677. Concurrent resolution in support of the Republic of China and the Mutual Defense Treaty of 1954; to the Committee on International Relations.

By Mr. SARASIN (for himself and Mr. McHUGH):

H. Con. Res. 678. Concurrent resolution expressing the sense of Congress with respect to the Baltic States; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHARLES WILSON of Texas, introduced a bill (H.R. 13721) for the relief of Miss Julia Hannah Orr, which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 7308

By Mr. ASHBROOK:

—Page 31, line 17, strike out "or".

Page 32, after line 3, insert the following new subparagraph:

(C) There is reason to believe has information which relates to the foreign policy or security interests of the United States; or

—Page 31, beginning on line 1, strike out ", not substantially composed of United States persons".

—Page 31, line 11, strike out "and controlled".

—Page 33, line 3, insert "or property" after "life".

—Page 33, line 11, insert "or conduct" after "policy".

—Page 33, line 13, insert "policy or" after "to affect the".

—Page 33, line 15, strike out "totally".

—Page 34, line 4, strike out "grave".

—Page 34, beginning on line 9, strike out "an intelligence service or network of".

—Page 63, strike out lines 11 through 18 and insert in lieu thereof the following:

SEC. 109. (a) OFFENSE.—A person is guilty of an offense if he intentionally engaged in electronic surveillance under color of law except as authorized by statute.

Page 63, line 19, strike out "(1)".

Page 63, line 20, strike out "(1)".

Page 63, strike out line 25 and all that follows down through line 4 on page 64.

H.R. 7308

By Mr. McCLORY:

(Amendment in the nature of a substitute)

—Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Foreign Intelligence Surveillance Act of 1978".

TABLE OF CONTENTS

TITLE I—ELECTRONIC SURVEILLANCE WITHIN THE UNITED STATES FOR FOREIGN INTELLIGENCE PURPOSES

DEFINITIONS

SEC. 101. As used in this title:

(a) "Foreign power" means—

(1) a foreign government or any component thereof, whether or not recognized by the United States;

(2) a faction of a foreign nation or nations, and substantially composed of United States persons;

(3) an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

(4) a group engaged in international terrorism or activities in preparation therefor;

(5) a foreign-based political organization, not substantially composed of United States persons; or

(6) an entity that is directed and controlled by a foreign government or governments.

(b) "Agent of a foreign power" means—

(1) any person other than a United States person, who—

(A) acts in the United States as an officer, member, or employee of a foreign power; or

(B) acts for or on behalf of a foreign power which engages in clandestine intelligence activities in the United States contrary to the interests of the United States, when the circumstances of such person's presence in the United States indicate that such person may engage in such activities in the United States, or when such person knowingly aids or abets any person in the conduct of such activities or knowingly conspires with any person to engage in such activities; or

(2) any person who—

(A) knowingly engages in clandestine intelligence gathering activities for or on behalf of a foreign power, which activities involve or may involve a violation of the criminal statutes of the United States;

(B) pursuant to the direction of an intelligence service or network of a foreign power, knowingly engages in any other clandestine intelligence activities for or on behalf of such foreign power, which activities involve or are about to involve a violation of the criminal statutes of the United States;

(C) knowingly engages in sabotage or international terrorism, or activities that are in preparation therefor, for or on behalf of a foreign power; or

(D) knowingly aids or abets any person in the conduct of activities described in subparagraph (A), (B), or (C) or knowingly conspires with any person to engage in activities described in subparagraph (A), (B), or (C).

(c) "International terrorism" means activities that—

(1) involve violent acts or acts dangerous to human life that are or may be a violation of the criminal laws of the United States or of any State, or that might involve a criminal violation if committed within the jurisdiction of the United States or any State;

(2) appear to be intended—

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by assassination or kidapping; and

(3) occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum.

(d) "Sabotage" means activities that involve or may involve a violation of chapter 105 of title 18, United States Code, or that might involve such a violation if committed against the United States.

(e) "Foreign intelligence information" means—

(1) information that relates to and, if concerning a United States person, is necessary to the ability of the United States to protect against—

(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(2) information with respect to a foreign power or foreign territory that relates to and, if concerning a United States person, is necessary to—

(A) the national defense or the security of the United States; or

(B) the conduct of the foreign affairs of the United States.

(f) "Electronic surveillance" means—

(1) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication sent by or intended to be received by a particular, known United States person who is in the United States, if the contents are acquired by intentionally targeting that United States person, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes;

(2) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire communication to or from a person in the United States, without the consent of any party thereto, if such acquisition occurs in the United States;

(3) the intentional acquisition by an electronic, mechanical, or other surveillance device of the contents of any radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, and if both the sender and all intended recipients are located within the United States; or

(4) the installation or use of an electronic, mechanical, or other surveillance device in the United States for monitoring to acquire information, other than from a wire or radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes.

(g) "Attorney General" means the Attorney General of the United States (or Acting Attorney General) or the Deputy Attorney General.

(h) "Minimization procedures", with respect to electronic surveillance, means—

(1) specific procedures, which shall be adopted by the Attorney General, that are reasonably designed in light of the purpose and technique of the particular surveillance, to minimize the acquisition, retention, and dissemination of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and

disseminate foreign intelligence information;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in subsection (e)(1), shall not be disseminated in a manner that identifies any individual United States person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance;

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for the purpose of preventing the crime or enforcing the criminal law; and

(4) notwithstanding paragraphs (1), (2), and (3), with respect to any electronic surveillance approved pursuant to section 102 (a), procedures that require that no contents of any communication to which a United States person is a party shall be disclosed, disseminated, or used for any purpose or retained for longer than twenty-four hours unless a court order under section 105 is obtained or unless the Attorney General determines that the information may indicate a threat of death or serious bodily harm to any person.

(i) "United States person" means a citizen of the United States, an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act), an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence, or a corporation which is incorporated in the United States, but does not include a corporation or an association which is a foreign power, as defined in subsection (a) (1), (2), or (3).

(j) "United States", when used in a geographic sense, means all areas under the territorial sovereignty of the United States and the Trust Territory of the Pacific Islands.

(k) "Aggrieved person" means a person who is the target of an electronic surveillance or any other person whose communications or activities were subject to electronic surveillance.

(l) "Wire communication" means any communication while it is being carried by a wire, cable, or other like connection furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of interstate or foreign communications.

(m) "Person" means any individual, including any officer or employee of the Federal Government, or any group, entity, association, corporation, or foreign power.

(n) "Contents", when used with respect to a communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication.

AUTHORIZATION FOR ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES

SEC. 102. (a) An application for a court order under this title is authorized if the President has, in writing, authorized the Attorney General to approve applications to the Special Court having jurisdiction under section 103. A judge to whom such an application is made may, notwithstanding any other law, grant an order in accordance with section 105 approving electronic surveillance of a United States person who is a foreign power or an agent of a foreign power for the purpose of obtaining foreign intelligence information.

(b)(1) If the target of electronic surveillance for the purpose of obtaining foreign intelligence information is not a United States person, such electronic surveillance may be authorized by the issuance of a surveillance certificate in accordance with subsection (c).

(2) Electronic surveillance authorized under this subsection may be authorized for the period necessary to achieve its purpose, except that—

(A) if the target of the surveillance is not a foreign power, the period of the surveillance may not exceed ninety days; and

(B) if the target of the surveillance is a foreign power, the period of the surveillance may not exceed one year.

(3) Electronic surveillance authorized under this subsection may be reauthorized in the same manner as an original authorization, but all statements required to be made under subsection (c) for the initial issuance of a surveillance certificate shall be based on new findings.

(4)(A) Upon the issuance of a surveillance certificate under this subsection, the Attorney General may direct a specified communication common carrier—

(i) to furnish any information, facility, or technical assistance necessary to accomplish the electronic surveillance in such a manner as will protect the secrecy of such surveillance and will produce a minimum of interference with the services that such common carrier provides its customers; and

(ii) to maintain any records concerning such surveillance or the assistance furnished by such common carrier that such common carrier wishes to retain under security procedures approved by the Attorney General and the Director of Central Intelligence.

(B) Any such direction by the Attorney General shall be in writing.

(C) The Government shall compensate any communication common carrier at the prevailing rate for assistance furnished by such common carrier pursuant to a direction of the Attorney General under this paragraph.

(c) A surveillance certificate issued under subsection (b)(1) shall be issued in writing and under oath by the Attorney General and an executive branch official or officials designated by the President from among those officials employed in the area of national security or national defense who were appointed by the President by and with the advice and consent of the Senate, and shall include—

(1) a statement—

(A) identifying or describing the target of the electronic surveillance, including a certification of whether or not the target is a foreign power or an agent of a foreign power; and

(B) certifying that each of the facilities or places at which the surveillance is directed is being used or may be used by a foreign power or an agent of a foreign power;

(2) a statement of the basis for the certification under paragraph (1)—

(A) that the target of the surveillance is a foreign power or an agent of a foreign power; and

(B) that each of the facilities or places at which the surveillance is directed is being or may be used by a foreign power or an agent of a foreign power;

(3) a statement of the proposed minimization procedures;

(4) a statement that the information sought is foreign intelligence information;

(5) a statement that the purpose of the surveillance is to obtain foreign intelligence information;

(6) if the target of the surveillance is not a foreign power, a statement of the basis for the certification under paragraph (4) that the information sought is foreign intelligence information;

(7) a statement of the period of time for which the surveillance is required to be maintained;

(8) a statement of the means by which the surveillance will be effected;

(9) if the nature of the intelligence gathering is such that the approval of electronic surveillance under subsection (b) should not automatically terminate when the described type of information has first been obtained, a statement of the facts indicating that additional information of the same type will be obtained thereafter;

(10) a statement indicating whether or not an emergency authorization was made under section 105(e); and

(11) if more than one electronic, mechanical, or other surveillance device is to be involved with respect to such surveillance, a statement specifying the types of devices involved, their coverage, and the minimization procedures that will apply to information acquired by each type of device.

SPECIAL COURTS

SEC. 103. (a) There is established a Special Court of the United States with jurisdiction throughout the United States to carry out the judicial duties of this title. The Chief Justice of the United States shall publicly designate at least one judge from each of the judicial circuits, nominated by the chief judges of the respective circuits, who shall be members of the Special Court and one of whom the Chief Justice shall publicly designate as the chief judge. The Special Court shall sit continuously in the District of Columbia.

(b) There is established a Special Court of Appeals with jurisdiction to hear appeals from decisions of the Special Court and any other matter assigned to it by this title. The Chief Justice shall publicly designate six judges, one of whom shall be publicly designated as the chief judge, from among judges nominated by the chief judges of the district courts of the District of Columbia, the Eastern District of Virginia and the District of Maryland, and the United States Court of Appeals for the District of Columbia, any three of whom shall constitute a panel for purposes of carrying out its duties under this title.

(c) The judges of the Special Court and the Special Court of Appeals shall be designated for six-year terms, except that the Chief Justice shall stagger the terms of the members originally chosen. No judge may serve more than two full terms.

(d) The chief judges of the Special Court and the Special Court of Appeals shall, in consultation with the Attorney General and the Director of Central Intelligence, establish such document, physical, personnel, or communications security measures as are necessary to protect information submitted to or produced by the Special Court or Special Court of Appeals from unauthorized disclosure.

(e) Proceedings under this title shall be conducted as expeditiously as possible. If any application to the Special Court is denied, the court shall record the reasons for that denial, and the reasons for that denial shall, upon the motion of the party to whom the application was denied, be transmitted under seal to the Special Court of Appeals.

(f) Decisions of the Special Court of Appeals shall be subject to review by the Supreme Court of the United States in the same manner as a judgment of a United States court of appeals as provided in section 1254 of title 28, United States Code, except that the Supreme Court may adopt special procedures with respect to security appropriate to the case.

(g) The Chief Judges of the Special Court and the Special Court of Appeals may, in consultation with the Attorney General and Director of Central Intelligence and consistent with subsection (d)—

(1) designate such officers or employees of the Government, as may be necessary, to serve as employees of the Special Court and Special Court of Appeals; and

(2) promulgate such rules or administrative procedures as may be necessary to the efficient functioning of the Special Court and Special Court of Appeals.

Any funds necessary to the operation of the Special Court and the Special Court of Appeals may be drawn from appropriations for the Department of Justice. The Department of Justice shall provide such fiscal and administrative services as may be necessary for the Special Court and Special Court of Appeals.

APPLICATION FOR AN ORDER

SEC. 104. (a) Each application for an order approving electronic surveillance under this title shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under section 103. Each application shall require the approval of the Attorney General based upon his finding that it satisfies the criteria and requirements of such application as set forth in this title. It shall include—

(1) the identity of the Federal officer making the application;

(2) the authority conferred on the Attorney General by the President of the United States and the approval of the Attorney General to make the application;

(3) the identity, if known, or a description of the target of the electronic surveillance;

(4) a statement of the facts and circumstances relied upon by the applicant to justify his belief that—

(A) the target of the electronic surveillance is a foreign power or an agent of a foreign power; and

(B) each of the facilities or places at which the electronic surveillance is directed is being used, or is about to be used, by a foreign power or an agent of a foreign power;

(5) a statement of the proposed minimization procedures;

(6) a detailed description of the nature of the information sought and the type of communications or activities to be subjected to the surveillance;

(7) a certification or certifications by the Assistant to the President for National Security Affairs or an executive branch official or officials designated by the President from among those executive officers employed in the area of national security or defense and appointed by the President with the advice and consent of the Senate—

(A) that the certifying official deems the information sought to be foreign intelligence information;

(B) that the purpose of the surveillance is to obtain foreign intelligence information;

(C) that such information cannot reasonably be obtained by normal investigative techniques;

(D) that designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

(E) including a statement of the basis for the certification that—

(i) the information sought is the type of foreign intelligence designated; and

(ii) such information cannot reasonably be obtained by normal investigative techniques;

(8) a statement of the means by which the surveillance will be affected;

(9) a statement of the facts concerning all previous applications that have been made to any judge under this title involving any of the persons, facilities, or places specified in the application, and the action taken on each previous application;

(10) a statement of the period of time for which the electronic surveillance is required to be maintained, and if the nature of the intelligence gathering is such that the approval of the use of electronic surveillance under this title should not automatically terminate when the described type of information has first been obtained, a description of facts supporting the belief that additional information of the same type will be obtained thereafter; and

(11) whenever more than one electronic, mechanical or other surveillance device is to be used with respect to a particular proposed electronic surveillance, the coverage of the devices involved and what minimization procedures apply to information acquired by each device.

(b) The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

(c) The judge may require the applicant to furnish such other information as may be necessary to make the determinations required by section 105.

ISSUANCE OF AN ORDER

SEC. 105. (a) Upon an application made pursuant to section 104, the judge shall enter an ex parte order as requested or as modified approving the electronic surveillance if he finds that—

(1) the President has authorized the Attorney General to approve applications for electronic surveillance for foreign intelligence information;

(2) the application has been made by a Federal officer and approved by the Attorney General;

(3) on the basis of the facts submitted by the applicant there is probable cause to believe that—

(A) the target of the electronic surveillance is a foreign power or an agent of a foreign power: *Provided*, That no United States person may be considered a foreign power or an agent of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States; and

(B) each of the facilities or places at which the electronic surveillance is directed is being used, or is about to be used, by a foreign power or an agent of a foreign power;

(4) the proposed minimization procedures meet the definition of minimization procedures under section 101(h); and

(5) the application which has been filed contains all statements and certifications required by section 104 and the certification or certifications are not clearly erroneous on the basis of the statement made under section 104(a)(7)(E) and any other information furnished under section 104(d).

(b) An order approving an electronic surveillance under this section shall—

(1) specify—

(A) the identity, if known, or a description of the target of the electronic surveillance;

(B) the nature and location of each of the facilities or place at which the electronic surveillance will be directed;

(C) the type of information sought to be acquired and the type of communications or activities to be subjected to the surveillance;

(D) the means by which the electronic surveillance will be effected;

(E) the period of time during which the electronic surveillance is approved; and

(F) whenever more than one electronic, mechanical, or other surveillance device is to be used under the order, the authorized coverage of the devices involved and what minimization procedures shall apply to information subject to acquisition by each device; and

(2) direct—

(A) that the minimization procedures be followed;

(B) that, upon the request of the applicant, a specified communication or other common carrier, landlord, custodian, or other specified person furnish the applicant forthwith any and all information, facilities, or technical assistance necessary to accomplish the electronic surveillance in such manner as will protect its secrecy and produce a minimum of interference with the services that such carrier, landlord custodian, or other person is providing that target of electronic surveillance;

(C) that such carrier, landlord, custodian, or other person maintain under security procedures approved by the Attorney General and the Director of Central Intelligence any records concerning the surveillance or the aid furnished that such person wishes to retain; and

(D) that the applicant compensate, at the prevailing rate, such carrier, landlord, custodian, or other person for furnishing such aid.

(c)(1) An order issued under this section may approve an electronic surveillance for the period necessary to achieve its purpose, or for ninety days, whichever is less.

(2) Extensions of an order issued under this title may be granted on the same basis as an original order upon an application for an extension and new findings made in the same manner as required for an original order.

(3) At the end of the period of time for which electronic surveillance is approved by an order or an extension, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

(d) Notwithstanding any other provision of this title, when the Attorney General reasonably determines that—

(1) an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained; and

(2) the factual basis exists for the authorization of such electronic surveillance;

he may authorize the emergency employment of electronic surveillance if the otherwise applicable procedures of this title are followed as soon as practicable, but not more than twenty-four hours after the Attorney General authorizes such surveillance. In addition, if the target of such electronic surveillance is a United States person, the Attorney General or his designee shall at the time of such authorization inform a judge designated pursuant to section 103 that the decision has been made to employ emergency electronic surveillance. If the Attorney General authorizes such emergency employment of electronic surveillance, he shall require that the minimization procedures required by this title be followed. In the absence of a judicial order or surveillance certificate approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of twenty-four hours from the time of authorization by the Attorney General, whichever is earliest. In the event that an application for approval is denied, or a surveillance cer-

tificate is not issued, or in any other case where the electronic surveillance is terminated and no order or surveillance certificate is issued approving the surveillance, no information shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information may indicate a threat of death or serious bodily harm to any person. A denial of the application made under this subsection may be reviewed as provided in section 103.

(e) Notwithstanding any other provision of this title, officers, employees, or agents of the United States are authorized in the normal course of their official duties to conduct electronic surveillance not targeted against the communications of any particular person or persons, under procedures approved by the Attorney General, solely to—

(1) test the capability of electronic equipment, if—

(A) it is not reasonable to obtain the consent of the persons incidentally subjected to the surveillance;

(B) the test is limited in extent and duration to that necessary to determine the capability of the equipment; and

(C) the contents of any communication acquired are retained and used only for the purpose of determining the capability of the equipment, are disclosed only to test personnel, and are destroyed before or immediately upon completion of the test;

(2) determine the existence and capability of electronic surveillance equipment being used by persons not authorized to conduct electronic surveillance, if—

(A) it is not reasonable to obtain the consent of persons incidentally subjected to the surveillance;

(B) such electronic surveillance is limited in extent and duration to that necessary to determine the existence and capability of such equipment; and

(C) any information acquired by such surveillance is used only to enforce chapter 119 of title 18, United States Code, or section 605 of the Communications Act of 1934, or to protect information from unauthorized surveillance; or

(3) train intelligence personnel in the use of electronic surveillance equipment, if—

(A) it is not reasonable to—

(i) obtain the consent of the persons incidentally subjected to the surveillance;

(ii) train persons in the course of surveillances otherwise authorized by this title; or

(iii) train persons in the use of such equipment without engaging in electronic surveillance;

(B) such electronic surveillance is limited in extent and duration to that necessary to train the personnel in the use of the equipment; and

(C) no contents of any communication acquired are retained or disseminated for any purpose, but are destroyed as soon as reasonably possible.

(f) Certifications made by the Attorney General pursuant to section 102(a) and applications made and orders granted under this title shall be retained in accordance with the security procedures established pursuant to section 103 for a period of at least ten years from the date of the application.

USE OF INFORMATION

SEC. 106. (a) Information acquired from an electronic surveillance conducted pursuant to this title concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by this title. No otherwise privileged communication obtained in accordance with, or in violation of, the provisions of this title shall lose its privileged character. No information acquired from an electronic surveillance pursuant to this title may be used or disclosed by Federal officers or employees except for lawful purposes.

(b) No information acquired pursuant to this title shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

(c) Whenever the Government intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, against an aggrieved person, any information obtained or derived from an electronic surveillance of that aggrieved person pursuant to the authority of this title, the Government shall, prior to the trial, hearing, or other proceeding or at a reasonable time prior to an effort to so disclose or so use that information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the Government intends to so disclose or so use such information.

(d) Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of a State or political subdivision thereof, against an aggrieved person any information obtained or derived from an electronic surveillance of that aggrieved person pursuant to the authority of this title, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the information is to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such information.

(e) Any person against whom evidence obtained or derived from an electronic surveillance to which he is an aggrieved person is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the evidence obtained or derived from such electronic surveillance on the grounds that—

(1) the information was unlawfully acquired; or

(2) the surveillance was not made in conformity with an order of authorization or approval.

Such a motion shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the person was not aware of the grounds of the motion.

(f) Whenever a court or other authority is notified pursuant to subsection (c) or (d), or whenever a motion is made pursuant to subsection (e) and the Government concedes that information obtained or derived from an electronic surveillance pursuant to the authority of this title as to which the moving party is an aggrieved person is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding, the Government may make a motion before the Special Court to determine the lawfulness of the electronic surveillance. Unless all the judges of the Special Court are so disqualified, the motion may not be heard by a judge who granted or denied an order or extension involving the surveillance at issue. Such motion shall stay any action in any court or authority to determine the lawfulness of the surveillance. In determining the lawfulness of the surveillance, the Special Court shall, notwithstanding any other law, if the Attorney General files an affidavit under oath with the Special Court that disclosure would harm the national security of the aggrieved person was lawfully authorized and conducted. In making this determination, the Special Court may disclose to the aggrieved person, under appropriate intelligence sources and methods review in camera the application and order or the surveillance certificate and such other materials relating to the surveillance as may be necessary to determine whether the surveillance of the aggrieved person was lawfully authorized and conducted. In making this determination, the Special Court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the application, order, or other materials if there is a reasonable question as to the legality of the surveillance and if disclosure would likely promote a more accurate determination of such legality, or if such disclosure would not harm the national security.

(g) Except as provided in subsection (f), whenever any motion or request is made pursuant to any statute or rule of the United States or any State before any court or other authority of the United States or any State to discover or obtain applications, orders, or surveillance certificates or other materials relating to surveillance pursuant to the authority of this title or to discover, obtain, or suppress any information obtained from electronic surveillance pursuant to the authority of this title, and the court or other authority determines that the moving party is an aggrieved person, if the Attorney General files with the Special Court of Appeals an affidavit under oath than an adversary hearing would harm the national security or compromise foreign intelligence sources and methods and that no information obtained or derived from an electronic surveillance pursuant to the authority of this title has been or is about to be used by the Government in the case before the court or other authority, the Special Court of Appeals shall, notwithstanding any other law, stay the proceeding before the other court or authority and review in camera and ex parte the application and order or surveillance certificate and such other materials as may be necessary to determine whether the surveillance of the aggrieved person was lawfully authorized and conducted. In making this determination, the Special Court of Appeals shall disclose, under appropriate security procedures and protective orders, to the aggrieved person or his attorney portions of the application, order, surveillance certificate or other materials relating to the surveillance only if necessary to afford due process to the aggrieved person.

(h) If the Special Court pursuant to subsection (f) or the Special Court of Appeals pursuant to subsection (g) determines the surveillance was not lawfully authorized and conducted, it shall, in accordance with the requirements of the law, suppress the evidence which was unlawfully obtained or derived from electronic surveillance of the aggrieved person or otherwise grant the motion of the aggrieved person. If the Special Court pursuant to subsection (f) or the Special Court of Appeals pursuant to subsection (g) determines the surveillance was lawfully au-

thorized and conducted, it shall deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

(i) Orders granting or denying motions or requests under subsection (h), decisions under this section as to the lawfullness of electronic surveillance, and, absent a finding of unlawfulness, orders of the Special Court or Special Court of Appeals granting or denying disclosure of applications, orders, or other materials relating to a surveillance shall be final orders and binding upon all courts of the United States and the several States except the Special Court of Appeals and the Supreme Court.

(j) In circumstances involving the unintentional acquisition by an electronic, mechanical, or other surveillance device of the contents of any radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, and if both the sender and all intended recipients are located within the United States, such contents shall be destroyed upon recognition, unless the Attorney General determines that the contents may indicate a threat of death or serious bodily harm to any person.

(k) If an emergency employment of electronic surveillance is authorized under section 105(e) and a subsequent order approving the surveillance is not obtained, the judge shall cause to be served on any United States person named in the application and on such other United States persons subject to electronic surveillance as the judge may determine in his discretion it is in the interest of justice to serve, notice of—

(1) the fact of the application;

(2) the period of the surveillance; and

(3) the fact that during the period information was or was not obtained.

On an ex parte showing of good cause to the judge the serving of the notice required by this subsection may be postponed or suspended for a period not to exceed ninety days. Thereafter, on a further ex parte showing of good cause, the court shall forego ordering the serving of the notice required under this subsection.

REPORT OF ELECTRONIC SURVEILLANCE

SEC. 107. In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year—

(a) the total number of applications made for orders and extensions of orders approving electronic surveilance under this title; and

(b) the total number of such orders and extensions either granted, modified, or denied.

CONGRESSIONAL OVERSIGHT

SEC. 108. On a semiannual basis the Attorney General shall fully inform the House Permanent Select Committee on Intelligence concerning all electronic surveillance under this title. Nothing in this title shall be deemed to limit the authority and responsibility of those committees to obtain such additional information as they may need to carry out their respective functions and duties.

PENALTIES

SEC. 109. (a) OFFENSE.—A person is guilty of an offense if he intentionally—

(1) engages in electronic surveillance under color of law except as authorized by statute; or

(2) violates section 102(a)(2), 105(e), 105(f), 105(g), 106(a), 106(b), or 106(j) or any court order issued pursuant to this title, knowing his conduct violates such an order or this title.

(b) DEFENSE.—(1) It is a defense to a prosecution under subsection (a)(1) that the defendant was a law enforcement or investigative officer engaged in the course of his official duties and the electronic surveillance was authorized by and conducted pursuant to a search warrant or court order of a court of competent jurisdiction.

(2) It is a defense to a prosecution under subsection (a)(2) that the defendant acted in a good faith belief that his actions did not violate any provision of this title or any court order issued pursuant to this title, under circumstances where that belief was reasonable.

(c) PENALTY.—An offense described in this section is punishable by a fine of not more than $10,000 or imprisonment for not more than five years, or both.

(d) JURISDICTION.—There is Federal jurisdiction over an offense under this section if the person committing the offense was an officer or employee of the United States at the time the offense was committed.

CIVIL LIABILITY

SEC. 110. CIVIL ACTION.—An aggrieved person, other than a foreign power or an agent of a foreign power, as defined in section 101(a) or (b)(1)(A), respectively, who has been subjected to an electronic surveillance or whose communication has been disseminated or used in violation of section 109 shall have a cause of action against any person who committed such violation and shall be entitled to recover—

(a) actual damages, but not less than liquidated damages of $1,000 or $10 per day for each day of violation, whichever is greater;

(b) punitive damages; and

(c) reasonable attorney's fees and other investigation and litigation costs reasonably incurred.

TITLE II—CONFORMING AMENDMENTS

AMENDMENTS TO CHAPTER 119 OF TITLE 18, UNITED STATES CODE

SEC. 201. Chapter 119 of title 18, United States Code, is amended as follows:

(a) Section 2511(2)(a)(ii) is amended to read as follows:

"(ii) Notwithstanding any other law, communication common carriers, their officers, employees, and agents, landlords, custodians, or other persons, are authorized to provide information, facilities, or technical assistance to persons authorized by law to intercept wire or oral communications or to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, if the common carrier, its officers, employees, or agents, landlord, custodian, or other specified person has been provided with—

"(A) a court order directing such assistance signed by the authorizing judge, or

"(B) a certification in writing by a person, specified in section 2518(7) of this title or the Attorney General of the United States that no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required,

setting forth the period of time during which the provision of the information, facilities, or technical assistance is authorized and specifying the information, facilities, or technical assistance required. No communication common carrier, officer, employee, or agent thereof, or landlord, custodian, or other specified person shall disclose the existence of any interception or surveillance or the device used to accomplish the interception or surveillance with respect to which the person has been furnished an order or certification under this subparagraph, except as may otherwise be required by legal process and then only after prior notification to the Attorney General or to the principal prosecuting attorney of a State or any political subdivision of a State, as may be appropriate. No cause of action shall lie in any court against any communication common carrier, its officers, employees, or agents, landlord, custodian, or other specified person for providing information, facilities, or assistance in accordance with the terms of an order or certification under this subparagraph.".

(b) Section 2511(2) is amended by adding at the end thereof the following new provisions:

"(e) Notwithstanding any other provision of this title or section 605 or 606 of the Communications Act of 1934, it shall not be unlawful for an officer, employee, or agent of the United States in the normal course of his official duty to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, as authorized by that Act.

"(f) Nothing contained in this chapter, or section 605 of the Communications Act of 1934, shall be deemed to affect the acquisition by the United States Government of foreign intelligence information from international or foreign communications by a means other than electronic surveillance as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, and procedures in this chapter and the Foreign Intelligence Surveillance Act of 1978 shall be the exclusive means by which electronic surveillance, as defined in section 101 of such Act, and the interception of domestic wire and oral communications may be conducted.".

(c) Section 2511(3) is repealed.

(d) Section 2518(1) is amended by inserting "under this chapter" after "communication".

(e) Section 2518(4) is amended by inserting "under this chapter" after both appearances of "wire or oral communication".

(f) Section 2518(9) is amended by striking out "intercepted" and inserting "intercepted pursuant to this chapter" after "communication".

(g) Section 2518(10) is amended by striking out "intercepted" and inserting "intercepted pursuant to this chapter" after the first appearance of "communication".

(h) Section 2519(3) is amended by inserting "pursuant to this chapter" after "wire or oral communications" and after "granted or denied".

TITLE III—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 301. The provisions of this Act and the amendments made hereby shall become effective upon the date of enactment of this Act, except that any electronic surveillance approved by the Attorney General to gather foreign intelligence information shall not be deemed unlawful for failure to follow the procedures of this Act, if that surveillance is terminated or an order or surveillance certificate approving that surveillance is obtained under title I of this Act within ninety days following the designation of the chief judges pursuant to section 103 of this Act.

Amend the title so as to read: "A bill to authorize electronic surveillance to obtain foreign intelligence information.".

H.R. 7308

By Mr. WIGGINS:

—Page 32, line 7, strike out ", which activities involve" and all that follows down through line 16, and redesignate subparagraphs (C) and (D) accordingly.

—Page 32, line 14, strike out "are about to" and insert in lieu thereof "may".

—Page 38, strike out lines 5 and 6 and insert in lieu thereof "or trusteeship of the United States.".

—Page 41, beginning on line 6, strike out "for the purpose of obtaining foreign intelligence information".

—Page 51, strike out line 24 and all that follows through page 52, line 4.

—Page 64, after line 25, add the following new section:

CONSTITUTIONAL POWER OF THE PRESIDENT

SEC. 111. Nothing contained in chapter 119 of Title 18, United States Code, section 605 of the Communications Act of 1934, or this Act shall be deemed to affect the power vested by the Constitution in the President to acquire foreign intelligence information by means of an electronic, mechancial, or other surveillance device.

H.R. 12931

By Mr. HARKIN:

—Page 11, line 16, immediately after "Laos," insert "El Salvador"

—Page 11, line 16, immediately after "Laos," insert "Paraguay"

—Page 11, strike out the period on line 17 and insert in lieu thereof ", except that funds appropriated or made available pursuant to this Act for assistance under part I of the Foreign Assistance Act of 1961 (other than funds for the Economic Support Fund or peacekeeping operations) may be provided to any country named in this section (except the Socialist Republic of Vietnam) in accordance with the requirements of section 116 of the Foreign Assistance Act of 1961."

—Page 13, immediately after line 16, insert the following new section:

SEC. 116. The restrictions on obligation and expenditure of funds set forth in sections 107 and 114 of this Act shall not be implemented if funds appropriated or made available pursuant to this Act are obligated or expended to finance directly any assistance to any country the government of which engages in human rights violations according to section 116 of the Foreign Assistance Act of 1961.

—Page 13, lines 21 and 22, strike out "$648,000,000" and insert in lieu thereof "$635,400,000".

—Page 20, line 4, strike out "$13,515,000" and insert in lieu thereof "$12,839,250".

—Page 20, line 8, strike out "$24,000" and insert in lieu thereof "$4,000".

—Page 23, immediately after line 19 insert the following new section:

SEC. 510. None of the funds appropriated or made available pursuant to this Act shall be used to provide military assistance, international military education or training, or foreign military credit sales to the Government of Paraguay.

—Page 23, immediately after line 19 insert the following new section:

SEC. 510. None of the funds appropriated or made available pursuant to this Act shall be used to provide military assistance, international military education or training, or foreign military credit sales to the Government of El Salvador.

H.R. 13007

By Mr. PATTISON of New York:

—Page 32, line 16, delete Sections 920 and 921, and insert the following:

Section 920: Relation to State Laws:

"(a) Except as provided in subsection (b)—

"(1) if any act or practice is prohibited by this title or any regulation prescribed by the Board pursuant to authority thereunder, no State or political subdivision of a State may establish or continue in effect any law, regulation, or rule permitting such act or practice; and

"(2) if any act or practice is regulated by this title or any regulation prescribed by the Board pursuant to authority thereunder, no State or political subdivision of a State may establish or continue in effect any law, regulation, or rule which regulates, restrains, or otherwise limits such act or practice unless such State law, regulation, or rule imposes requirements identical to the requirements of this title or such regulation.

"(b) Upon application of a State or political subdivision of a State, the Board may by regulation exempt from subsection (a), under such conditions as may be prescribed in such regulation, a law, regulation, or rule of a State or political subdivision if—

"(1) compliance with the requirement of the State or political subdivision would not otherwise cause the act, practice, form, notice, disclosure, or other action to be in violation of any requirement imposed by this title or any regulation prescribed by the Board pursuant to authority thereunder; and

"(2) the requirement of the State or political subdivision (A) provides significantly greater protection to the consumer than do the requirements imposed by this title and by regulations prescribed by the Board pursuant to authority thereunder, (B) is required by compelling local conditions, and (C) does not unduly burden interstate commerce; and

"(3) there is adequate provision for enforcement.

"(c) Where the same act or omission constitutes a violation of this title and of applicable State law, a person aggrieved by such conduct may bring a legal action to recover monetary damages either under this title or under such State law, but not both. This election of remedies shall not apply to court actions in which the relief sought does not include monetary damages or to administrative actions."

H.R. 13635

By Mr. COHEN:

—Page 6, line 15, strike out "$11,705,155,000" and insert in lieu therof "$11,708,452,000".

H.R. 13635

By Mr. DICKINSON:

—On page 2, line 11, strike $9,123,499,000; and insert in lieu thereof $9,125,299,000;

On page 2 line 19, strike $6,456,450,000; and insert in lieu thereof $6,448,150,000;

On page 3, line 3, strike $2,015,900,000; and insert in lieu thereof $2,015,200,000;

On page 6 line 4, strike $9,097,422,000; and insert in lieu thereof $9,115,422,000;

On page 6, line 15, strike $11,705,155,000; and insert in lieu thereof $11,691,755,000;

On page 14, line 24, strike $916,708,000; and insert in lieu thereof $917,400,000;

On page 56, beginning on line 1 and ending on line 4, strike Section 856 in its entirety and renumber all subsequent sections accordingly.

H.R. 13635

By Mr. YATES:

—On page 20, line 2, after "$128,000,000;" strike the words and amounts on lines 2 and 3: "for the CVN-71 nuclear aircraft carrier program, $2,129,600,000;"

On page 20, line 8, after "in all:" strike "$5,688,000,000," and insert in lieu thereof "$3,558,400,000,"

H.J. RES. 638

By Mr. KINDNESS:

(Amendment in the nature of a substitute)

—Strike everything after the resolving clause and insert the following:

(two thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

H.J. RES. 638

By Mr. KINDNESS:

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress and the several States shall have the power to enforce this amendment shall not be so construed as to delegate to the United States any powers otherwise reserved to the States, or to the people.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

H.J. RES. 638

By Mr. RAILSBACK:

—On the first page, line 10, strike the period and insert the following:

", *Provided, however,* That any legislature which shall have ratified the article of amendment within the first seven years of this period may, by the same vote and procedure required for ratification, rescind that action at any time after this resolution becomes effective and prior to adoption of the amendment. The Administrator of the General Services Administration shall certify to Congress all resolutions of ratification or rescission of this amendment received from the several States for final determination by the Congress as to whether the amendment shall have been adopted."

EXTENSIONS OF REMARKS

TAX CUT WILL NOT REDUCE FEDERAL TAX BURDEN

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1978

● Mr. GRASSLEY. Mr. Speaker, usually I do not quote from or insert into the CONGRESSIONAL RECORD articles and editorials from the Washington Post. Usually my tastes run to newspapers from back home such as the Grundy Center Register, the Shell Rock News, the Marshalltown Times-Republican, and, on occasion, the Des Moines Register and Tribune.

Nonetheless, this morning I did come across a story which appeared on the first and seventh pages of the Washington Post. The article points out that the proposed Ways and Means tax cut proposal will not reduce the Federal tax burden for all but a few Americans next year. This is yet another reason why the Congress should pass tax reform legislation along the lines of the Kemp-Roth Tax Reduction Act. The news story follows: